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Acts of the General Assembly of the
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ACTS

OF

THE GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY:

PASSED

**AT THE SESSION WHICH WAS BEGUN AND HELD IN THE CITY OF FRANK-
FORT, ON SATURDAY THE 31ST OF DECEMBER, 1853, AND
ENDED FRIDAY THE 10TH OF MARCH, 1854.**

VOLUME I.

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1854.**

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PUBLIC ACTS
OF
THE STATE OF KENTUCKY,

*Passed at the session which was begun and held in the City of
Frankfort, on Saturday the 31st of December, 1853,
and ended Friday the 10th of March, 1854.*

LAZARUS W. POWELL, GOVERNOR; HENRY G. BIBB, SPEAKER OF
THE SENATE; CHARLES G. WINTERSMITH, SPEAKER OF THE
HOUSE OF REPRESENTATIVES; JAMES P. METCALFE, SECRETARY OF STATE

CHAPTER 7.

AN ACT to add a part of the county of Lawrence to the county of Morgan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of the territory of Lawrence county included within the following boundaries, to-wit: beginning at the mouth of the Rocky branch where it empties into Newcomb; thence up Newcomb to the dividing ridge between Newcomb and Blain, with the county line of Lawrence county; thence with the dividing ridge between Little fork and Newcomb to the head of the left hand fork of Gillum's branch; thence with the same dividing ridge, between Newcomb and the Rocky branch, to the beginning, be and the same is hereby stricken from the county of Lawrence and added to the county of Morgan.

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Part of Lawrence added to Morgan county.

CHAS. G. WINTERSMITH,
Speaker of the House of Representatives.
HENRY G. BIBB,
Speaker of the Senate.

Approved January 14, 1854.

L. W. POWELL.

By the Governor:

JAMES P. METCALFE, *Secretary of State.*

1854.

CHAPTER 8.

AN ACT declaring the Rock House fork of Rockcastle creek, in Johnson county, a navigable stream.

Rockhouse fork
of Rockcastle
creek declared
navigable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Rock House fork of Rockcastle creek, in Johnson county, be and the same is hereby declared a navigable stream, as far up as Benjamin P. Porter's mill.

Approved January 14, 1854.

CHAPTER 13.

AN ACT to change the time of holding the county courts of Lincoln, Russell, and Casey.

Time of holding
county courts of
Lincoln, Casey,
and Russell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the county courts of Lincoln county shall be held on the second Monday of every month; the county courts of Casey county on the fourth Monday in each month, except those months in which there is a circuit court held in said county; and the county courts of Russell county on the third Monday in each month.

Approved January 14, 1854.

CHAPTER 18.

AN ACT to amend an act, entitled, an act to prevent the wanton destruction of fish, approved February 25, 1847.

Part of act to
prevent wanton
destruction of
fish repealed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, entitled, an act to prevent the wanton destruction of fish, approved February 25th, 1847, as relates to citizens of Kentucky fishing with seines, nets, or otherwise, between Lock No. 2, on Green river, and the Ohio river, be and the same is hereby repealed.

Approved January 14, 1854.

CHAPTER 32.

AN ACT to establish the County of Lyon.

Establishment
of county of Ly-
on.

Its boundaries.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of April next, so much of the county of Caldwell as lies within the following boundary shall be and the same is hereby erected into and established a separate and distinct county, to be called the county of Lyon—viz: beginning at the point where the road leading from Eddyville to Cadiz crosses the Trigg county line, running thence a straight

1854.

line to Cashe's bridge on the turnpike road, about equidistant between Princeton and Eddyville; thence a straight line to Livingston creek, at Old Centerville, where the road leading from Princeton to Salem crosses said creek; thence down said creek, with the Crittenden line, to Cumberland river; thence up said river with the Livingston county line to the narrows on said river, and thence with said line across to the Tennessee river; thence up said river, with its meanders, to the Trigg county line; thence with said county line to the beginning.

§ 2. The seat of justice for Lyon county shall be and the same is hereby located at the town of Eddyville, in said county.

Seat of justice at Eddyville.

§ 3. The county of Lyon shall be divided into four districts, in each of which there shall be elected two Justices of the Peace and one Constable; which districts shall also be election precincts. James N. Gracey, Robt. L. Cobb, Jefferson G. Smith, Thomas G. Watkins, John F. Kelly, Leisel Stone, and Thos. J. Cobb are appointed commissioners, who, after taking an oath faithfully and impartially to discharge their duties as such, shall lay off said districts and designate the place of voting in each. A majority of said commissioners may act. They shall meet in the town of Eddyville on the first Monday of March next, or as soon thereafter as may be, and proceed to the duties imposed upon them by this act; and may adjourn from time to time, and place to place, until through. They shall lodge a certified copy of the boundaries of said districts in the hands of Reuben R. O'Hara or F. H. Skinner, of the town of Eddyville, whose duty it shall be to hold the same in safe keeping, until there shall be an election of a county court clerk for said county of Lyon, and then it shall be delivered to said clerk, who shall file and record the same in his office; and they shall forthwith transmit another certified copy thereof to the secretary of state, who shall carefully preserve the same in his office. They shall also designate in each of said districts two suitable persons to act as judges, and one in each to act as clerk; one in each to act as sheriff of the election of a circuit court clerk, a county court clerk, a sheriff, an assessor of tax, a surveyor, jailer, coroner, a presiding judge of the county court, a county attorney, two justices of the peace, and one constable for each district for said county; which election shall be held on the first Monday in April next. Before entering on their duties respectively, each judge, sheriff, and clerk of the election so designated, shall take an oath faithfully and impartially to discharge the duties imposed on them by this act. Those who may act as sheriffs aforesaid, shall meet at the counting-house of R. L. & G. D. Cobb, in the town of Eddyville, on the second day after said election, and after carefully comparing the polls, shall sign two certificates of the election, designating the name of each per-

Four districts and election precincts.

Commissioners to lay them off.

When commissioners to act.

Copy of boundaries of district to be deposited for safe keeping.

Officers to be elected and how, and the terms of office.

Officers to be sworn.

Sheriffs to meet and compare polls.

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Secretary of state to cause commissions to be issued to the persons elected.

Officers required to take an oath, and how long to remain in office.

Caldwell county to retain jurisdiction until, &c.

How public grounds to be obtained, &c.

Public buildings to be erected.

By whom division line to be run.

son having the highest number of votes, and the office to which he is elected; one of which shall be lodged in the hands of said R. R. O'Hara or F. H. Skinner, who shall cause it to be recorded in the county court clerk's office of Lyon county, and the other of which they shall forthwith transmit by mail or otherwise to the secretary of state, where it shall be carefully preserved; whose duty it shall be forthwith to cause commissions to be issued to those persons named in the certificate, to each, for the office to which he shall be elected.

§ 4. Each of said officers shall take an oath, and when by law required, shall execute bond according to existing laws in reference to similar officers; and thereupon their official acts shall be obligatory to all intents and purposes, if done in accordance with the laws of this state. They shall hold their respective offices until the next regular election for like officers, and until their successors are elected and qualified: *Provided*, that the sheriff so elected shall hold his office for the term of two years, and until his successor shall be elected and qualified.

§ 5. The county of Caldwell, before this act takes effect, shall have jurisdiction in all things as though this act had never passed.

§ 6. The presiding judge of the county court, and the justices of the peace of said county of Lyon; a majority of said justices being present, shall be and they are hereby authorized and required to make a suitable selection of lots or parcels of ground in said town of Eddyville, and purchase or accept the same on donation, if tendered by the citizens of said town, for the erection of public buildings for the seat of justice for said county; and it shall be the duty of said county court to make provision for the payment of the purchase money, of said lots or parcels of land, and cause a suitable court house and jail, and such other public buildings as they may think fit, to be erected at the expense of the county; and until such buildings are erected, it shall be their duty to provide some suitable buildings for holding the county and circuit courts of said county, clerks' offices, and other necessary buildings, at the expense of said county. The means for these public conveniences may be raised by a capitation tax on all those persons in said county subject to capitation tax by existing laws: *Provided*, that said tax shall not exceed one dollar and fifty cents per capita in any one year.

§ 7. That James G. Glenn be and he is hereby appointed commissioner, with such assistants as he may deem necessary to employ, to run and mark the division line as designated in section first of this act, who shall be allowed three dollars per day for his services, and two dollars per day shall be allowed each of the persons he may engage to assist him, payable out of the county levy of said county of Lyon.

§ 8. The said county of Lyon shall vote for senator in the state legislature, with the eleventh senatorial district, and for county representative with the county of Caldwell, until changed by law; and the sheriffs of said counties in all such elections shall compare the polls of said counties as now prescribed by law.

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To what senatorial and representative district to be attached.

§ 9. The county court of the said county of Lyon shall hold its monthly sessions on the second Monday of every month in which the circuit court does not sit, and its quarterly sessions on the fourth Mondays in January, April, July and October.

When courts to be held.

Approved January 14, 1854.

CHAPTER 52.

AN ACT to provide for a special chancery and criminal term of the Fulton circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter there shall be holden in the county of Fulton a special term of the circuit court, for the trial of equity and criminal cases, commencing on the second Monday in July in each year, and to continue for six juridical days, if the business of the court shall require it: *Provided*, that this act shall not be construed so as to oust the circuit court of said county of any jurisdiction which it now has by law.

Special equity and criminal term in Fulton.

Approved, January 17, 1854.

CHAPTER 54.

AN ACT concerning the Louisville chancery court.

WHEREAS, doubts exist whether the chancellor of the Louisville chancery court has jurisdiction of proceedings under the 86th chapter of the Revised Statutes of Kentucky. To remove the same,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Louisville chancery court shall have all the equitable jurisdiction of proceedings under said chapter which is conferred on the Jefferson circuit court, and that the Louisville chancery court shall have all the equitable and chancery jurisdiction which the Jefferson circuit court now has, and that all suits and proceedings in equity, now pending in the Jefferson circuit court, may, on motion of either party, be removed to the Louisville chancery court and there be determined; and that no chancery suits or equitable proceedings shall hereafter be instituted or prosecuted in the Jefferson circuit court.

Chancellor of Louisville chancery court has jurisdiction in order sales of land and slaves of infants, &c., under chapter 86 Revised Statutes, page 591.

Suits in circuit court may be removed to chancery court.

§ 2. That no suit, in which the chancellor has equitable

1854.

Suits not to be removed from chancery to circuit court.

Chancellor pro tem may be elected.

Revised Statutes, 229.

Executions from court of appeals in cases from chancery court to be directed to the marshal.

jurisdiction, shall hereafter be removed from the Louisville chancery court to the Jefferson circuit court; and when, from any cause, the chancellor of said court cannot properly preside in a cause, the attorneys of said court may, at the request of either of the parties, elect a chancellor, *pro tempore*, to try said cause.

§ 3. That the chancellor, *pro tempore*, shall be elected as is provided in chapter 27, article 13, of the Revised Statutes of Kentucky; and said chancellor *pro tempore* shall have the same compensation and rights, and be governed by the same laws and responsibilities as is provided in said article for the special judges.

§ 4. That hereafter, when an execution or other process shall issue from the clerk's office of the court of appeals in suits by appeal or otherwise from the Louisville chancery court, the clerk of the court of appeals, instead of directing said execution, or other process, to the sheriff of Jefferson county as heretofore, for collection or service, shall direct said execution, or other process, to the marshal of the Louisville chancery court.

Approved January 17, 1854.

CHAPTER 74.

AN ACT changing the time of holding the court of claims for Boone county.

Court of claims in Boone county

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the court of claims for the county of Boone shall be held on the first Monday in October in each year.

Approved January 23, 1854.

CHAPTER 93.

AN ACT to change the line between the counties of Franklin and Anderson.

R. C. McKee in Anderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the line between Franklin and Anderson counties be and the same is hereby so changed as to include the house in which R. C. McKee now resides within the county of Anderson.

Approved January 28, 1854.

CHAPTER 108.

1854.

AN ACT to change the time of holding the terms of the county courts in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act all the terms of the county court for Henry county, now appointed by law to be held on the first Monday in each month, shall be held on the fourth Monday in each month.

Approved January 28, 1854.

CHAPTER 125.

AN ACT to establish the county of McLean.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the second Monday in May, 1854, all those parts of Daviess, Muhlenburg, and Ohio counties lying within and included in the following boundary, shall be and the same is hereby stricken from said counties and erected into one district or county, to be called, designated and known as the county of McLean, in honor of the late Hon. Alney McLean, deceased, to-wit: beginning on Green river, one half mile above the ferry landing of Samuel C. Harrilson, and running thence a straight line to the northwest corner of Thomas Crow's 4787 acre survey, standing a few poles east of Sand Lick creek; thence along the north line of said survey, and the north line of Jo. Barnett's 4000 acre survey, John and Jas. Barnett's 2500 acre survey, and Jacob Vanmeter's 2675 acre survey, to the northeast corner of the latter survey; thence a straight line to James Baird's residence, including him in the county of McLean; thence a straight line to the residence of Presley Moseley, Sr., also including him in the said county of McLean; thence a straight line to the old Harmon's ferry road, at the point where the old path on the road from Pascal Johnson's old residence intersects or crosses the Harmon's ferry road, leading to the old farm of Remus Griffith; thence with the old Harmon's ferry road, along the middle or centre of said road, to the Ohio county line; thence a straight line to Rough creek, run so as to include the plantation formerly occupied by Henry Taylor; thence down Rough creek to Green river; thence up Green river to the mouth of the Thoroughfare branch; thence up the Thoroughfare branch to the mouth of Big creek; thence up Big creek to a point where the road from Rumsey to Greenville crosses the same; thence a straight line to the head of the island on Pond river, at the Horse-shoe bend; thence down Pond river to Green river, and down Green river to the beginning.

County established.

Boundaries.

§ 2. That the county of McLean shall be laid off into five districts for the election of justices of the peace and

Five districts to be laid off by commissioners.

1854.

Who to act as judges in elections, and by whom designated.

When and where polls to be compared.

Certificates of election to be made out, and by whom.

constables for said county, agreeably to the requirements of the constitution, which districts shall also be election precincts, three to be laid off north and two south of Green river. Samuel S. Barker, C. M. Baber, James F. Moore, John Bland, Augustus Reedy, Henry Griffith, Richard Woolley, Henry J. Belt, and Henry Brown, be and they are appointed commissioners, who, or a majority of whom, after taking an oath faithfully and impartially to discharge their duties, shall lay off said districts and designate the place of voting in each. Said commissioners shall meet at the house of James Lendrum, in the town of Calhoon, on the first Monday in March next, or as soon thereafter as may be, and proceed to discharge the duties imposed on them by this act. They may adjourn from time to time, and from place to place, until through. They shall lodge a certified copy of the boundaries of said districts in the hands of R. S. Howard, whose duty it shall be to hold it in safe keeping until there shall be an election of county court clerk for said county of McLean, and then he shall deliver it to said clerk, who shall file and record the same in his office; and they shall forthwith transmit another certified copy to the secretary of state, who shall carefully preserve the same in his office. Said commissioners shall also designate in each of said districts two suitable persons to act as judges, and one in each to act as clerk, and one as sheriff of the election of circuit court clerk, county court clerk, a sheriff, an assessor, a surveyor, jailer, coroner, county attorney, presiding judge of the county court, and two justices of the peace and one constable in each district, for said county of McLean; which election shall be held on the second Monday in May 1854. The judges, clerks, and sheriffs, appointed by the commissioners aforesaid in each district to hold said election, before entering upon the discharge of their duties, shall take an oath faithfully and impartially to discharge the duties imposed on them by this act. Those who may act as sheriffs, as aforesaid, shall meet at the house of Jas. Lendrum, in the town of Calhoon, on the third day after said election, and after carefully comparing the polls, shall sign two certificates of the election, designating the name of each person having the highest number of votes, and the office to which he is elected; one of which shall be lodged in the hands of R. S. Howard, who shall cause it to be recorded in the county court clerk's office of the said county of McLean; the other they shall forthwith transmit to the secretary of state, to be by him filed and carefully preserved in his office; whereupon said secretary shall forthwith cause commissions to be issued to the several officers certified to be elected, who, before they enter upon the discharge of the duties of their respective offices, shall take an oath, and where by law required, shall execute bond according to existing laws in reference to similar of-

1854.

ices; and thereupon their official acts shall be obligatory to all intents and purposes, when done in accordance with the constitution and laws of the state. They shall hold their offices until the next regular election of like officers, and until their successors are elected and qualified. That until all the officers elected for the new county as aforesaid are commissioned, sworn, and qualified, the counties of Daviess, Ohio, and Muhlenburg shall have jurisdiction as though this act had not passed.

§ 3. That Charles Hambleton, of Breckinridge county, F. M. Bristow, of Todd county, be and they hereby appointed commissioners to permanently locate the seat of justice and select a site for the erection of the public buildings for said county. Said commissioners shall be allowed each 12½ cents per mile going to and returning from the performance of their duties, estimating the distance from their respective homes to the town of Calhoon, and three dollars per day each for their services, to be paid out of the county treasury; in case of the disagreement of the said commissioners as to a point of location, then the umpire chosen by them shall decide the point of location.

Location of seat of justice, and by whom to be done.

Compensation to commissioners.

§ 4. That the county court of said county of McLean, a majority of the justices concurring, shall have power to appoint commissioners to purchase the lots or parcels of ground selected for the public buildings, and cause a deed or deeds of conveyance therefor to be made to the county of McLean. Said county court as aforesaid, a majority of the justices concurring, shall have power to assess and levy a tax upon each tithe now subject to county levies within said county, a capitation tax not exceeding one dollar and fifty cents per tithe in any one year, and an ad valorem tax upon all the property now subject to taxation for state revenue, any sum not exceeding fifteen cents in any one year upon each \$100 worth of property, for the purpose of raising the means necessary for the purchase of the public grounds and the erection of a court house and other public buildings thereon. Said commissioners may also be empowered by the county court to draft plans and specifications, let out and superintend the erection of the public buildings aforesaid. And until the public buildings aforesaid are erected, the said county court of McLean shall have power to provide suitable rooms for the clerks' offices, and for the holding of the county and circuit courts.

How lands to be purchased.

Tax may be levied to pay debts of the county.

§ 5. That Richard R. Coomes be and he is hereby appointed a commissioner, with such assistance as he may deem necessary to employ, to run and mark the boundary lines of said county of McLean, agreeably to the first section of this act, and that said commissioner make out four fair plats of said county, with notes of reference, one of which he shall deposit with the clerk of the county court of McLean, and transmit one to each of the county court clerks of Daviess, Ohio, and Muhlenburg counties, in order

Boundary lines to be run, and by whom.

Certificate of boundary, how preserved.

1854.

Who to act as judges in elections, and by whom designated.

When and where polls to be compared.

Certificates of election to be made out, and by whom.

constables for said county, agreeably to the requirements of the constitution, which districts shall also be election precincts, three to be laid off north and two south of Green river. Samuel S. Barker, C. M. Baber, James F. Moore, John Bland, Augustus Reedy, Henry Griffith, Richard Woolley, Henry J. Belt, and Henry Brown, be and they are appointed commissioners, who, or a majority of whom, after taking an oath faithfully and impartially to discharge their duties, shall lay off said districts and designate the place of voting in each. Said commissioners shall meet at the house of James Lendrum, in the town of Calhoon, on the first Monday in March next, or as soon thereafter as may be, and proceed to discharge the duties imposed on them by this act. They may adjourn from time to time, and from place to place, until through. They shall lodge a certified copy of the boundaries of said districts in the hands of R. S. Howard, whose duty it shall be to hold it in safe keeping until there shall be an election of county court clerk for said county of McLean, and then he shall deliver it to said clerk, who shall file and record the same in his office; and they shall forthwith transmit another certified copy to the secretary of state, who shall carefully preserve the same in his office. Said commissioners shall also designate in each of said districts two suitable persons to act as judges, and one in each to act as clerk, and one as sheriff of the election of circuit court clerk, county court clerk, a sheriff, an assessor, a surveyor, jailer, coroner, county attorney, presiding judge of the county court, and two justices of the peace and one constable in each district, for said county of McLean; which election shall be held on the second Monday in May 1854. The judges, clerks, and sheriffs, appointed by the commissioners aforesaid in each district to hold said election, before entering upon the discharge of their duties, shall take an oath faithfully and impartially to discharge the duties imposed on them by this act. Those who may act as sheriffs, as aforesaid, shall meet at the house of Jas. Lendrum, in the town of Calhoon, on the third day after said election, and after carefully comparing the polls, shall sign two certificates of the election, designating the name of each person having the highest number of votes, and the office to which he is elected; one of which shall be lodged in the hands of R. S. Howard, who shall cause it to be recorded in the county court clerk's office of the said county of McLean; the other they shall forthwith transmit to the secretary of state, to be by him filed and carefully preserved in his office; whereupon said secretary shall forthwith cause commissions to be issued to the several officers certified to be elected, who, before they enter upon the discharge of the duties of their respective offices, shall take an oath, and where by law required, shall execute bond according to existing laws in reference to similar of-

1854.

ices; and thereupon their official acts shall be obligatory to all intents and purposes, when done in accordance with the constitution and laws of the state. They shall hold their offices until the next regular election of like officers, and until their successors are elected and qualified. That until all the officers elected for the new county as aforesaid are commissioned, sworn, and qualified, the counties of Daviess, Ohio, and Muhlenburg shall have jurisdiction as though this act had not passed.

§ 3. That Charles Hambleton, of Breckinridge county, F. M. Bristow, of Todd county, be and they hereby appointed commissioners to permanently locate the seat of justice and select a site for the erection of the public buildings for said county. Said commissioners shall be allowed each 12½ cents per mile going to and returning from the performance of their duties, estimating the distance from their respective homes to the town of Calhoon, and three dollars per day each for their services, to be paid out of the county treasury; in case of the disagreement of the said commissioners as to a point of location, then the umpire chosen by them shall decide the point of location.

Location of seat of justice, and by whom to be done.

Compensation to commissioners.

§ 4. That the county court of said county of McLean, a majority of the justices concurring, shall have power to appoint commissioners to purchase the lots or parcels of ground selected for the public buildings, and cause a deed or deeds of conveyance therefor to be made to the county of McLean. Said county court as aforesaid, a majority of the justices concurring, shall have power to assess and levy a tax upon each tithe now subject to county levies within said county, a capitation tax not exceeding one dollar and fifty cents per tithe in any one year, and an ad valorem tax upon all the property now subject to taxation for state revenue, any sum not exceeding fifteen cents in any one year upon each \$100 worth of property, for the purpose of raising the means necessary for the purchase of the public grounds and the erection of a court house and other public buildings thereon. Said commissioners may also be empowered by the county court to draft plans and specifications, let out and superintend the erection of the public buildings aforesaid. And until the public buildings aforesaid are erected, the said county court of McLean shall have power to provide suitable rooms for the clerks' offices, and for the holding of the county and circuit courts.

How lands to be purchased.

Tax may be levied to pay debts of the county.

§ 5. That Richard R. Coomes be and he is hereby appointed a commissioner, with such assistance as he may deem necessary to employ, to run and mark the boundary lines of said county of McLean, agreeably to the first section of this act, and that said commissioner make out four fair plats of said county, with notes of reference, one of which he shall deposit with the clerk of the county court of McLean, and transmit one to each of the county court clerks of Daviess, Ohio, and Muhlenburg counties, in order

Boundary lines to be run, and by whom.

Certificate of boundary, how preserved.

1854.

that the same may be recorded in each of the counties aforesaid. Said commissioner shall be allowed ample compensation for his services, not less than five dollars per day, to be paid by the county of McLean.

§ 6. That the said county of McLean shall vote at elections held for state officers and members of Congress : that portion stricken from Daviess shall vote with Daviess ; that portion stricken from Ohio with Ohio, and that portion stricken from Muhlenburg with Muhlenburg, until the next apportionment of representation.

When courts
to be held.

§ 7. The county courts for said county of McLean shall be held on the first Monday in each month, except in the months when circuit courts are directed to be holden. The county judge of the county court shall hold his quarterly courts on the third Monday in August, November, February and May.

How and by
whom levies to
be collected.

§ 8. The assessors of tax and collectors of tax, and the clerks in making out commissioners' books for the auditor for the present year, (1854,) for the counties of Daviess, Ohio, and Muhlenburg, shall all proceed as though this act had not passed, except the county levies collected of those persons stricken off, and included in the boundary, shall be accounted for and paid over to the county court of McLean, and the sheriffs or collectors of the county levy shall have credit therefor in their settlements with their respective county courts of Daviess, Ohio, and Muhlenburg for county levies collected in that portion of their respective counties stricken off, and included in the county of McLean as aforesaid. It is intended by this act that officers elected for the county on the second Monday in May are permanent officers for the county, and shall hold their offices for the terms prescribed in the constitution.

Term of office
of those elected
in May next.

When commis-
sioners for loca-
ting seat of jus-
tice to meet.

§ 9. The commissioners appointed herein to locate the seat of justice for the county of McLean, shall meet in the town of Calhoon on the first Monday in April next, or as soon thereafter as may be, and proceed to discharge the duties imposed by this act ; and for that purpose may adjourn from day to day and from place to place until they are fully satisfied as to the most eligible point and most suitable location, and when the place of location is fixed upon, their determination shall be made out in writing and signed by them and delivered to R. S. Howard, and carefully preserved by him until the election of clerk of said county court, when the same shall be delivered over to said clerk and by him recorded in his office.

Approved January 28, 1854.

CHAPTER 135.

1854.

AN ACT to authorize County Judges to qualify Circuit Court Clerks.

Judges of county courts may qualify circuit court clerks.

And approve official bond.

County judge to return bonds to circuit court.

Who may approve or reject the act of county judge.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the several judges of the county courts of this commonwealth shall, within their respective counties, have full power to qualify the clerks of the circuit courts elected or appointed for their respective counties, and to take, receive, and attest the official bond of such clerks, and approve or reject the sureties offered by such clerks.

§ 2. That the said county judge, at the next term of the circuit court after qualifying any clerk of the circuit court and taking bond as aforesaid, shall return to said circuit court an official certificate to that effect, accompanied by the bond of said clerk, and the judge of said circuit court shall have power to approve or reject such bond. If he shall approve thereof, he shall cause the same to be entered on the order book, as is now required by law; if he reject it, the clerk shall, before the close of that term of said court, execute a new bond, under the like penalties and forfeitures as now exist for a failure to execute an official bond.

Approved February 6, 1854.

CHAPTER 136.

AN ACT to repeal all laws making Bear Grass Creek a navigable stream.

Bear Grass not navigable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That any or all laws now existing making Bear Grass creek a navigable stream, be and the same are hereby repealed; and that this act shall take effect immediately after its passage.

Approved February 6, 1854.

CHAPTER 144.

AN ACT to increase and prescribe the time of holding the Greenup and Lewis Circuit Courts.

Three terms of Greenup circuit court.

Setting of Lewis circuit court.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter there shall be three terms a year of the Greenup circuit court, for the trial of all causes cognizable in the circuit courts, which terms shall commence on the third Mondays in May, July, and November, in each year, and continue for twelve juridical days, if the business of the court shall require it.

§ 2. That hereafter the Lewis circuit court shall commence on the Mondays succeeding the termination of the May and November terms of the Greenup circuit court, in each year, and continue for twelve juridical days, if the business thereof shall require it.

Approved February 6, 1854.

1854.

CHAPTER 154.

AN ACT to repeal a part of the 3d section of chapter 102, of the Revised Statutes.

Revised Statutes, 676.

Any quantity of vacant land may be appropriated.

Be it vnacted by the General Assembly of the Commonwealth of Kentucky, That so much of the third section of chapter 102, entitled, "Treasury Claims," as prevents an applicant from obtaining an order for the appropriation of less than twenty-five acres of vacant and unappropriated lands of this State, be and the same is hereby repealed.

Approved February 11, 1854.

CHAPTER 168.

AN ACT to amend the law in relation to Schools and Seminaries.

Revised Statutes, 599.

Apportionment of school fund amongst the counties.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the first subdivision of section 1, article 1, chapter 88, of the Revised Statutes, entitled "Schools and Seminaries," be changed so as to read as follows: The auditor shall apportion each year the revenue from the fund among the several counties of the state according to the number of free white children in each, between the ages of six and eighteen years, as shown by the returns of the assessors in his office, or the report of the school commissioners to the superintendent of public instruction, whichever is the greater in each county. The apportionment shall be made from the first of December to the first of February of each year, and if the returns from any county be not then in he shall use whatever return may be in; and if neither be in he shall use that of the preceding year.

Revised Statutes, 605.

Modification of previous law.

§ 2. That so much of section 6, article 6, of said chapter, as requires the trustees to make a report of the number of children within the districts of which they are trustees, between the ages of six and eighteen years, on or before the 10th day of November of each year, be so modified as to require them to report, on oath, the number of children residing in their respective districts on the 10th day of January preceding said report, specifying the names of the parents, or those having charge of the same, and the number of children residing with each.

§ 3. The provisions of the foregoing section shall apply to the school reports of the school agents or other officers in cities or towns.

Superintendent to report number of children.

§ 4. The superintendent shall report to the auditor the number of children in each county, as reported to him by the school commissioners.

Approved February 11, 1854.

CHAPTER 173.

1854.

AN ACT appointing commissioners to run a dividing line between the counties of Campbell and Pendleton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James O'Hara, Jr., of Grant county, and Charles Lee, of Brookville, Bracken county, in conjunction with the county surveyors of Campbell and Pendleton, be and they are hereby appointed commissioners to run a dividing line between the said counties of Campbell and Pendleton; and that they report upon the same to the county court of each of said counties.

Line between Campbell and Pendleton to be run.

Approved February 11, 1854.

CHAPTER 174.

AN ACT repealing all acts declaring Drake's creek a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the laws declaring Drake's creek, in Warren county, a navigable stream, be and the same are hereby repealed: *Provided nevertheless*, that if, at any time hereafter, any additional locks and dams shall be built on Big Barren river, by reason of which any mill or mills which may hereafter be built on Drake's creek shall be flooded, the owner or owners of such mill or mills shall not be entitled to recover any damages from the state, or from any private company who may be authorized to build such locks and dams. This act shall take effect from and after its passage.

Drake's creek not navigable.

State not to pay any damages if mills are flooded.

Approved February 11, 1854.

CHAPTER 176.

AN ACT to amend the 1st section of the 6th article of the Revised Statutes, entitled "Schools and Seminaries."

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the 1st section of the 6th article of chapter 88, of the Revised Statutes, entitled "Schools and Seminaries," as allows to judges, for holding elections for trustees in common school districts, one dollar for their services, be and the same is hereby repealed.

Revised Statutes, 604.

§ 2. That no person except a commissioner, or a person residing in the district, shall be competent to act as judge of said election.

Qualification of judge of election.

Approved February 11, 1854.

1854.

CHAPTER 182.

AN ACT for the benefit of the Kentucky Institution for the Education of the Blind.

\$25,000 appropriated to finish building.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of twenty five thousand dollars be and the same is hereby appropriated to the Kentucky Institution for the Education of the Blind, to be paid to the order of the board of visitors of said institution, to enable them to inclose the edifice already commenced and finish the interior thereof, for the accomodation of the blind pupils of said school: *Provided*, that this appropriation is made upon the condition that the title to all the property, real, personal, and mixed, belonging to or in anywise pertaining to said institution, is and shall be vested in the board of visitors and their successors in office, in trust and for the use of the commonwealth of Kentucky: *and, provided further*, that said board of visitors shall report to the next General Assembly the amount of money paid out by them, and the balance in their hands unexpended, together with receipts taken by them for payments as herein authorized.

Any surplus not to be drawn.

§ 2. Only so much of the above appropriation is to be paid as will enable the board of visitors to complete the buildings and necessary inclosures of the grounds, and to construct proper fixtures for the comfort of the establishment, and it shall only be drawn from the treasury in such sums as the governor is satisfied are requisite, in the progress of the work; and if all is not required for the completion of the work, then the governor shall withhold the surplus.

Approved February 11, 1854.

CHAPTER 183.

AN ACT for the benefit of distillers.

Distillers may retail without license under certain restrictions

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of all the laws of this commonwealth as requires distillers of ardent spirits to pay for and procure a license to sell the same, be and the same is hereby repealed; and that distillers shall hereafter have the privilege of selling spirits of their own manufacture in quantities not less than a quart, without a license so to do, but not to be drunk on the premises.

Approved February 11, 1854.

CHAPTER 210.

1854.

AN ACT to declare certain streams in Pike, Floyd, Letcher, and Perry counties navigable.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Prather's creek, in Floyd county, from its mouth to Thomas Cecil's; John's creek, in Pike county, as far up as William Williams' mill; Shelby creek, in Pike county, as far up as the Long fork of the same; Russell's fork of Sandy river, in Pike county, to the Virginia state line, and Troublesome creek, in Letcher and Perry counties, from its mouth to Samuel Cornett's, be and they are hereby severally declared navigable streams, within the points designated.

Prather's,
John's, Shelby,
Russell's Fork,
Troublesome
creeks navigable
streams.

§ 2. That if any person shall obstruct either of the above named streams, within the above named points, they shall be amenable to the laws now in force against the obstruction of navigable streams: *Provided*, that nothing in this act shall authorize the removal of any mill-dams that may now be in or across any of the streams mentioned in the first section of this act, nor subject the owners of any mill-dams already erected on said streams to the penalties of this act.

Penalty for ob-
structing.

Approved February 18, 1854.

CHAPTER 212.

AN ACT for the benefit of the Kentucky Institution for the Education of the Deaf and Dumb.

WHEREAS, it is represented to the General Assembly by the Trustees of the Kentucky Institution for the Deaf and Dumb, at Danville, that the buildings of said institution are inadequate to the accommodation of the present and prospective number of pupils; that enlargements and repairs are needed to the same, and new fencing is needed around the grounds; and that the funds of the institution are insufficient to afford competent salaries to the instructors: And, whereas, the returns made by the assessors of tax, and by the United States census, show four hundred deaf mutes yet uneducated in Kentucky, the greatest part of whom are in extreme indigence, their parents being often unable to pay their traveling expenses to the institution, and to clothe them while there. Therefore,

Preamble.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of seven thousand five hundred dollars be, and it is hereby appropriated to the trustees of the said institution for the Deaf and Dumb, for the purpose of building an enlarged dining-room, a hospital for the sick, a kitchen and smoke-house, additional bed and servants' rooms, and for renewing the fencing around the grounds, and other necessary improvements.

\$7,500 appro-
priation for ad-
ditional build-
ings.

§ 2. That the first section of an act, entitled, "an act for

1854.

Former appropriation applied

the benefit of the Kentucky Institution for the Education of the Blind," appropriating three thousand dollars annually for three years to said institution, approved March 4, 1850, which limitation was repealed by the fourth section of an act of the same title, approved January 7, 1852, be and the same is made applicable to the Kentucky Institution for the Deaf and Dumb, the trustees of which shall receive the same annual sum, to be applied to the further enlarging of the buildings as the increase of the number of pupils requires; to the keeping of the same, with the grounds, in repair; to the establishment and support of work-shops for instruction in the mechanical arts, for the male pupils; to the payment of the salaries of the instructors; the purchase of apparatus, maps, globes, and a library, and to furnishing a museum; and, in the discretion of the trustees, to the payment of the traveling expenses of the pupils to the institution; and to the furnishing of clothing in necessary cases.

Fifth and sixth sections of act of 1852 made applicable.

§ 3. That the fifth and sixth sections, also, of said act for the benefit of the Blind, approved January 7, 1852, be made applicable to the trustees and pupils of the Kentucky Institution for the Deaf and Dumb, and they shall enjoy the same privileges and advantages as are extended to the Institution for the Blind therein.

Approved February 18, 1854.

CHAPTER 218.

AN ACT extending the terms of the Owsley Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Owsley circuit court shall be allowed twelve juridical days at each regular term of said court.

Approved February 18, 1854.

CHAPTER 219.

AN ACT to appoint a secretary to the Jefferson circuit court and to the Louisville chancery court.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the judge of the Jefferson circuit court and the chancellor of the Louisville chancery court, in suits in which oral testimony is given to court and jury, to appoint some suitable person to attend the sittings of said courts, and at the request of both parties, to take down in writing the oral testimony given by witnesses on the trial of causes in said courts.

Secretary to be appointed by chancery and circuit courts.

§ 2. It shall be the duty of the person appointed under the foregoing section, when both parties to a suit on trial shall request it, and have the request entered on the min-

His duties.

1854.

ute book of said court, to take down the oral testimony of the witnesses examined on the trial, fully and accurately, and submit the same to the court and parties for inspection, and file the same with the clerk of the court, to be by him kept with the papers of the suit in his office, and the same, when ordered to be filed by the court, shall be taken and held to be all the oral testimony given on the trial of the cause; and in making up bills of exceptions in the case, the party excepting shall have the use of the testimony, and it shall compose part of the bill of exceptions.

§ 3. It shall be the duty of the court to fix the amount of compensation for taking down the evidence in a suit, and make an order on both of said parties to pay for the same; and if an appeal, or writ of error, is afterwards prosecuted, the compensation for taking down the evidence shall be paid to the party who is successful in the appellate court, if he shall have previously paid the same.

His compensation.

§ 4. The person appointed to take down the evidence shall be styled the secretary of the court. He shall be a sworn officer of the court; and in all cases in which he has any interest, or is near of kin to either of the parties litigant, he shall not act in his capacity of secretary, unless by the consent of the parties, and a secretary *pro tempore* shall be appointed in his stead.

Style of office.

§ 5. This act shall take effect immediately after its passage.

Approved February 18, 1854.

CHAPTER 220.

AN ACT to suppress shooting in towns and cities.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That shooting or discharging fire arms within the limits of any town or city of this commonwealth, unless necessary or proper for the protection of person or property, shall be punishable by fine not exceeding sixteen dollars: *Provided*, that the trustees of a town, or municipal authorities of a city, may permit shooting outside of designated limits, or in designated places, or on particular occasions, which permission shall exempt the person shooting from punishment.

Shooting or discharging fire-arms in a town or city unlawful

§ 2. That this act shall not repeal the by-laws of any town or city to prevent shooting in its limits, and a conviction or acquittal under a prosecution for a breach of such by-laws, shall exonerate the party from prosecution under this act.

By-laws of a city or town not repealed.

Approved February 18, 1854.

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CHAPTER 227.

AN ACT to provide for the appointment of special judges of the county courts, and police or city courts.

Pro tem. county judges may be appointed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of each county shall appoint two of the justices of the peace of their respective counties, either of whom may act, to hold the county court and quarterly court in case the presiding judge of the county court fails to attend, or if attending declines to act in a particular case; and the justice so appointed, upon being sworn in the same manner as the judge of the county court, may hold said courts, and therein exercise the powers of such judge; and said justice shall be allowed the same compensation as the judge of the county court for like services.

Who to hold court of a police or city judge who fails to attend.

§ 2. That if a police or city judge fails to attend to hold his court, or attending declines to act in any case, the mayor of the city or chairman of the trustees of the town in which such court is located, being first qualified and sworn in the same manner as such police or city judge, shall be authorized to hold such court, or act as judge in the case, and in so doing exercise all the powers of such judge: *Provided*, that the chairman of the board of trustees of any town shall not adjudicate in any case where he is personally interested.

County judges may hold special terms to grant administration.

§ 3. That the presiding judges of the several county courts shall have power, at any time in vacation, to call a special term for the purpose of granting administration, or doing any other business, whenever the judge may be satisfied that the estate of any person who may have died is likely to go to waste for the want of a personal representative, or that the necessity exists for the immediate action of the court in regard to any other business over which the court has jurisdiction.

Approved February 18, 1854.

CHAPTER 228.

AN ACT to permit the personal representatives of non-resident decedents to sue in this state.

Personal representatives of non-resident decedents may sue in courts of this state.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the non-resident executors or administrators of persons who, at their death, were non-residents of the state of Kentucky, shall be authorized to commence and prosecute actions for the recovery of debts due to such decedents, without having taken out letters testamentary or of administration in this state, if such letters testamentary or of administration have been granted by any competent tribunal in the United States, provided they give security for costs as other non-residents are required to do.

§ 2. That in such actions it shall be necessary for the plaintiff to file the order of a competent tribunal granting such letters; and before judgment shall be rendered a covenant shall be executed, by a sufficient surety, to the commonwealth, to the effect that the plaintiff, to the extent of money that shall come to him in the action, will pay any debt due by said decedent to any resident of Kentucky who shall, within three years thereafter, commence an action on said covenant, for his use, to establish and collect such debt.

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Order of court to be filed and bond to be executed in this state.

§ 3. That when letters testamentary or of administration have been granted by a competent tribunal of this commonwealth, upon the estate of a non-resident decedent, such administrator shall alone have power to sue; but any debtor who shall pay his debt, or any part of it, according to the provisions of the foregoing sections, without notice of the grant of letters of administration in this state, shall be discharged to the extent of such payment.

Personal representative of a non-resident appointed in this state only can sue.

Revised Statutes, 335, sec. 6, 7, 8.

Approved February 18, 1854.

CHAPTER 231.

AN ACT to amend the 86th chapter, 6th article, section 3, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the 86th chapter, 6th article, section 3, of the Revised Statutes, be so amended as to authorize the judges of the circuit courts to decree the investment of any money or funds, belonging to an infant, in real estate or slaves, in or out of this state, if in the opinion of the court it would redound to the interest of the infant so to do.

Rev. Stat., 505.

Proceeds may be re-invested.

Approved February 18, 1854.

CHAPTER 233.

AN ACT to declare the Lick Fork of Jenny's Creek, in Johnson county, and the East Fork of Big Barren, in Monroe county, navigable streams.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Lick fork of Jenny's creek, in Johnson county, be and the same is hereby declared a navigable stream, as far up as Hezekiah Davis' mill.

Lick fork of Jenny's creek and East fork of Big Barren navigable.

§ 2. That the East fork of Big Barren river be declared a navigable stream, up to Turner's mill, in Monroe county.

Approved February 18, 1854.

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CHAPTER 235.

AN ACT to provide for special terms of the Owsley County Court.

Special term
to issue land
warrants.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the judge of the Owsley county court may, at any time, hold special terms of said court for the purpose of making orders for the issuing of land warrants.

Approved January 18, 1854.

CHAPTER 241.

AN ACT to run, mark, and establish the line between the counties of Hardin and Breckinridge.

Line between
Hardin and
Breckinridge to
be run and mark
ed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the surveyors of Hardin and Breckinridge counties are hereby required to meet at the Big Spring, corner of said counties, on the second Monday in November next, and shall thence proceed to run, mark, and establish the true line of said counties, running from said Big Spring to a point on Rough creek, opposite the mouth of Clifty, as designated by the act, entitled, an act for the division of Hardin county, approved December 9, 1799; and may adjourn from time to time until they have completed the survey. At the end of each mile they shall put up large stones, so as to be two feet above and two feet below the surface of the ground, and marked with the letters C. L. in large capitals. If either of them shall be absent on the day mentioned, the one present shall adjourn to some other day. If the two shall disagree as to the true line, they may call on the surveyor of Meade county as an umpire. They shall make a report to the county courts of said counties, who shall have the report recorded, and make them such compensation as may be reasonable, and pay the other expenses—each county paying one half of the whole expense. The line so established shall be the line between the said counties of Hardin and Breckinridge.

Approved February 18, 1854.

CHAPTER 243.

AN ACT to authorize the running and re-marking the lines between Franklin, Anderson, and Shelby counties.

WHEREAS, doubts exist as to the boundary line between Franklin county and the counties of Anderson and Shelby, where the same border on Franklin county, at several points in the dividing line between said counties. Therefore,

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§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That R. C. Steele, county surveyor for Franklin county, and Sam'l. B. Scofield, Esq'r., of same county; Alvin Herndon, of Anderson county, and Woodson G. Easley, of Shelby county, be and they are hereby appointed commissioners to run and re-mark the dividing lines between said counties, as above stated. The commissioners for Franklin and Anderson county will meet at the residence of Madison Blakemore, Esq., and begin their survey at a corner in the line between said counties, near the Big Spring of said Blakemore, and run and re-mark the said line from said point to the Shelby county line, where the counties of Franklin, Anderson, and Shelby corner. That in running the said line from said point near Blakemore's, and between that point and the point where the said line crosses the Franklin, Anderson, and Crab Orchard turnpike road, said commissioners be and they are hereby authorized and directed to run said line so as to include, within the limits of Franklin county, the present residences of John B. Brewer and Johnson Yeates, Esq'rs., the former supposed to be in Franklin county, and who has claimed and made said county his residence for many years, and the latter residence being as is supposed within a few yards of said line, and being in the strip cut off by the said turnpike road. And the said commissioners will, also, in their survey, embrace in Anderson county the present residence of R. C. McKee, which was taken from Franklin county and included in Anderson county by an act passed by the present Legislature.

Commissioners appointed to run lines of Shelby, Franklin, and Anderson.

Their duties.

§ 2. The commissioners for Franklin county shall notify the commissioners for Anderson and Shelby counties of the time and place of meeting, for making said survey; and in case they, or either of them, fail or refuse to attend and discharge the duties imposed by this act, the said commissioners may proceed to discharge the duties herein required of them without delay.

Notice to be given.

§ 3. The said commissioners shall, before they enter upon the duties assigned them, take an oath before some justice of the peace for Franklin county that they will faithfully and honestly discharge the duties required by this act, according to the best of their skill and judgments—a certificate of which oath shall accompany the report of the commissioners, and be filed in and recorded in the clerks offices of the Franklin, Anderson, and Shelby county courts. And when the said survey is completed, and the report of the said commissioners made out in writing and recorded in said offices, the same shall be taken and considered as establishing the true dividing lines between said counties from the points before named.

Commissioners to take an oath.

§ 4. The said commissioners shall have power and authority to send for persons and papers, that may be necessary, in order to make and establish a correct survey

Their powers.

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Compensation.

of said dividing lines; and they are hereby authorized to swear and interrogate witnesses touching the same.

§ 5. The said commissioners shall be allowed three dollars per day, each, while engaged in said service—to be paid out the county levies of said counties—each county paying its own commissioners.

Chain carriers.

§ 6. The commissioners for Franklin county shall have power and authority to employ two chain carriers, who shall be allowed two dollars per day, each, for their services, to be paid out of the county levies of said county.

Approved February 18, 1854.

CHAPTER 253.

AN ACT to cede to the United States the Harrodsburg and Greenville Springs.

Preamble.

WHEREAS, by an act of the Congress of the United States of America, passed March 3d, 1851, entitled, "an act to found a Military Asylum for the relief and support of invalid and disabled soldiers of the army of the United States," it is represented that the Board of Commissioners of the Military Asylum are, by and with the approval of the president, "authorized and required" to procure suitable "site or sites for the military asylum," and the commissioners, with the approval of the president, having selected and purchased, as a suitable site for the asylum, a tract or parcel of land, known as the Harrodsburg and Greenville Springs, situated in the county of Mercer and state of Kentucky; and whereas, the joint resolution of Congress of the 11th September, 1841, prohibits the expenditure of any money upon any site or land so purchased, without the consent of the legislature of the state in which the land or site may be, shall be given to the purchase; and it being desirous that the legislature, should also cede the jurisdiction over said tract or parcel of land to the United States; and whereas, it seems meet and proper that such consent should be given, and cession made. Therefore,

Consent of the state given for the purchase of the Harrodsburg springs by the United States.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the consent of the legislature of the state is hereby given for the purchase of, and the jurisdiction in and over, all that certain tract, parcel, or piece of land, situated in the county of Mercer, state of Kentucky, on the waters of Salt river, embracing part of the town of Harrodsburg and the Harrodsburg and Greenville Springs, and bounded as follows, to-wit: beginning at A, as per plat and survey of said tract of land, dated 5th of June, 1853, and recorded in the clerk's office of Mercer county court, in state of Kentucky, a point in the middle of the turnpike road, near Mills' gunsmith shop, fronting the same on the west side, and running with said turnpike road south, 63 degrees west, 12 poles, to letter B; thence south 68½ de-

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grees west, 76 poles, to letter C ; thence south 65 degrees west, 16 poles, to letter D ; thence south 32½ degrees west, 155 60—100 poles, to E, a stone in a line of Dr. Phillip Trapnall's heirs ; thence with this line south 65 degrees east, 262 poles, to F, a stone, corner to Nat. Lafon ; thence north 1 degree west, 40 poles, to G, a stake ; thence north 3 degrees west, 50 80—100 poles, to H, a post of G. Mullen's fence ; thence with said fence south 80 degrees west, 30 64—100 poles, to I, a corner post in said fence ; thence with said fence north 10 degrees west, 89 52½—100 poles, to J, a stone fence ; thence with said stone fence south 88 degrees west, 11½ poles, to K, a stake ; thence north 5½ degrees west, 4 poles, to L, a stake ; thence north 8½ degrees east, 42 poles, to M, a red oak tree ; thence north 3 degrees west, 40 poles, to the beginning, containing 203 acres 2 roods, more or less, being the same that was conveyed to the United States by Christopher Graham and Theresa M. Graham, by deed bearing date the eighth day of June, 1853 ; and that the same be, and is hereby, ceded to the United States of America for a site for the military asylum : *Provided, nevertheless,* that such jurisdiction, so ceded as aforesaid, shall not extend, or be construed to extend, so as to impede or prevent the execution of any process of law, civil or criminal, under the authority of this state, except so far as such process may affect any of the real or personal property of the United States of America within the said tract or parcel of land ; and that all the land and tenements within the limits aforesaid shall be and continue forever, hereafter, exonerated and discharged from all taxes, assessments, and other charges which may be laid under the authority of this state.

Jurisdiction
ceded to the
United States
and exempted
from all taxes.

Approved February 23, 1854.

CHAPTER 258.

AN ACT to authorize the payment of the Craddock Fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the commissioners of the sinking fund, be and they hereby are authorized to pay the principal of the Craddock fund to the trustees thereof. This act shall take effect immediately on its passage.

Craddock Fund
to be paid to the
trustees.

Approved February 23, 1854.

CHAPTER 263.

AN ACT regulating the time of holding the Hopkins County Court of Claims.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the county court of Hopkins county shall hold its court of claims in the month

Court of claims
to be held in
May.

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of May, instead of October, as heretofore; and the sheriff of said county shall be required to pay and satisfy county creditors in the manner now prescribed by law, but shall have time to do so until the first day of January, in each and every year. This act shall take effect from its passage.

Approved February 24, 1854.

CHAPTER 267.

AN ACT amending the Code of Practice.*

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the code of practice in civil actions be amended as herein provided.

That chapter seven of title seven, be amended by adding to the end of section one hundred and sixty nine these words:

“Nor to petitions in actions founded on a note, bond, bill of exchange, mortgage, or other written obligation of the defendant, nor to defenses founded on the written obligation, release, or written acknowledgment of the plaintiff, unless the writing on which the action or defense is founded is lost, mutilated, or destroyed.”

That chapter eight of title seven, be amended by adding thereto the following sections:

§ —. Where petitions are filed without verification, as required by section one hundred and sixty eight, the action shall not, on that account, be dismissed, if the verification be made on or before the calling of the action for trial.

§ —. No objection shall be taken, after judgment, to any pleading for the want of, or defect in the verification.

§ —. Courts may permit the amendments authorized by this chapter to be made without being verified, as prescribed in section one hundred and sixty eight, unless a new and distinct cause of action or defense is thereby introduced.

That in title one, between sections nine and ten, the following section be inserted:

§ —. If the plaintiff's claim is for money due by contract, and the defendant puts in a defense of exclusively equitable cognizance, upon the plaintiff filing an affidavit that he verily believes that he will succeed in the action, and that the collection of his claim after judgment will be endangered by the delay arising from such defense being put

*The joint resolution directing the publication of the laws of a general nature passed at the last session, excludes the Codes of Practice in civil and criminal proceedings, for the reason, it is supposed, that an act had passed directing their publication in a separate volume, with marginal notes and indexes. (See chap. 440.) But as it is probable that portion of the public printing cannot be executed in time for general circulation before the acts adopting the codes go into effect, it is deemed proper to print them in this volume of the public acts.

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in, the court shall require the defendant to give security for the payment of any judgment the plaintiff may obtain in the action, and upon his failure to give such security, shall order the defendant to pay into court an amount sufficient to discharge the plaintiff's claim and his probable costs; upon which order execution may be issued as upon a judgment, and the amount collected upon execution shall be brought into court and await the decision of the action, and be paid to the plaintiff or defendant according to such decision. But no such security shall be required if the trial of the equitable defense takes place during the term at which it is put in, nor until all defenses to the action, other than those of equitable cognizance, are tried or disposed of in favor of the plaintiff.

That article four, of chapter three, of title eight, be amended by striking out sections three hundred and six and three hundred and seven, and inserting in lieu thereof the following sections:

§ 1. An attachment obtained at the commencement of the action shall be sustained or discharged at the time that judgment is rendered in the action, unless for sufficient cause the court extends the time of deciding upon it. An attachment obtained after the commencement of the action shall not be sustained until the defendant has had the time for controverting it provided in this chapter.

§ 2. If judgment is rendered in favor of the defendant the attachment shall be discharged.

§ 3. If judgment is rendered in favor of the plaintiff, and no affidavit or answer verified by oath by the defendant filed, denying the statements of the affidavit upon which the attachment was issued, on motion made to discharge it, the court shall sustain the attachment.

§ 4. Upon an attachment being sustained, the property attached, or its proceeds, or the securities taken upon the attachment, shall, by appropriate orders, be applied in satisfaction of the judgment.

§ 5. The defendant may file his affidavit denying all or any of the material statements of the affidavit on which the attachment is issued; and thereupon the attachment shall be considered as controverted, and the affidavits of the plaintiff and defendant shall be regarded as the pleadings in the attachment, and have no other effect. Where the attachment was obtained at the commencement of the action, the defendant may file his affidavit at such time after the levy of the attachment as is given by this code for filing his defense, after the service of the summons, which period may be extended by the court for sufficient cause.

§ 6. Either party may take proof by deposition, to be read on the trial of the attachment, or by the permission of the court the witnesses may be orally examined in court.

§ 7. At any time before the attachment is sustained, the

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defendant, upon reasonable notice to the plaintiff or his attorney, may move the court to discharge the attachment, the hearing of which may be postponed by the court, upon sufficient cause, from time to time; and upon the hearing, if the court is of opinion that the attachment was obtained without sufficient cause, or that the grounds of the attachment being controverted are not sustained, the attachment shall be discharged.

§ 8. The order for the discharge of an attachment, made at or after the rendition of judgment in the action, shall be final, and not subject to be reinstated as provided in this article, but shall be the subject of appeal where the amount in controversy is such as to authorize an appeal. The order sustaining the attachment shall also, in like manner, on the rendition of judgment in the action, be subject to appeal.

§ 9. The reinstatement of attachments, as provided in this article, shall only be binding on the inferior court until judgment; and when judgment is rendered in the action the inferior court shall make a disposition of the motion to discharge, which shall, in like manner, be final.

§ 10. The defendant, on reasonable notice to the plaintiff, may, at any time before the term next after the levy of the attachment, move the judge of the court in vacation to discharge the attachment, on the ground of its having been issued contrary to the provisions of article one of this chapter; and the judge, on an inspection of the papers in the action, or of authenticated copies of them, shall have the same power of discharging the attachment by his written order, filed with the clerk, as he would have in court, and shall have like power to permit amendments by the plaintiff.

That chapter four of title fifteen, be amended by adding thereto the following section:

§ 1. Where the party for whose benefit a bond with security has been executed under the provisions of this code, shall believe the bond to be defective, or the sureties to be insufficient, either being so when originally taken, or becoming so afterwards, he shall have the right of making the same motions for remedy thereof, in vacation, to the judge of the court in which the proceeding is pending, or to the presiding judge of the county court of the county in which it is pending, on reasonable notice to the party giving or causing to be executed such bond, that he would have of making in court, and the same orders may be made thereon, with the same right of executing a new and lawful bond with sufficient security, in a reasonable time, to be fixed by the judge. The orders of the judge on such motion shall be written and signed by the judge, and filed in the clerk's office of the court in which the proceeding is pending.

That in title nine, chapter three, article two, the follow-

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ing section be inserted after section four hundred and eighteen:

§ —. If only a part of the plaintiff's claim is controverted by the defendant's answer, judgment may at any time be rendered for the part not controverted.

That title two of this code, being repealed by the provisions of the Revised Statutes, shall be stricken out of the code, and the provisions of that title shall only affect causes of action which accrued after the code went into effect, and before the Revised Statutes went into effect.

That title nine be amended by adding thereto the following chapter:

CHAPTER 4.

Revivor of judgments.

§ 1. An execution may be issued upon a judgment at any time until the collection of it is barred by the statute of limitations, although no execution may have been previously issued within a year and a day.

§ 2. The death of one or all the plaintiffs shall not prevent an execution being issued thereon, but on such execution the clerk shall indorse the death of such of them as are dead, and if all be dead the names of the personal representatives of the last survivor, if the judgment passed to the personal representatives, or the names of the survivor's heirs, if the judgment was for real property.

§ 3. The sheriff, in acting upon an execution indorsed as provided in the last section, shall proceed as if the surviving plaintiff or plaintiffs, or the personal representatives or heirs, were the only plaintiffs in the execution, and take sale, replevy, and forthcoming bonds accordingly.

§ 4. Before making the indorsements named above, an affidavit shall be filed with the clerk by one of the plaintiffs, or personal representatives, or heirs, or their attorney, of the death, and that the persons named as such are the personal representatives or heirs, and in the case of personal representatives, they shall file with the clerk a certificate of their qualification in some county court of this state.

§ 5. The death of part only of the defendants shall not prevent execution being issued, which however shall operate alone on the survivors and their property.

§ 6. The defendant may move the court to quash an execution on the ground that the personal representatives or heirs of a deceased plaintiff are not properly stated in the indorsement on the execution, and during the vacation of the court may obtain an injunction, upon its being made to appear that the persons named are not entitled to the judgment on which the execution was issued.

§ 7. A judgment may be revived against the personal representatives, heirs and devisees, or either of them, of a

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deceased defendant, by an action prosecuted by ordinary proceedings, without verification of the petition.

That chapter six, of title fifteen, be stricken out and repealed.

That in title ten the following chapters be added :

CHAP. 3. *For alimony and divorce.*

4. *For the settlement of estates of deceased persons.*
5. *For enforcing the satisfaction of judgments.*
6. *Summary proceedings.*
7. *Civil proceedings on behalf of the commonwealth.*
8. *Arbitrations and awards.*
9. *Forcible entry and detainer.*
10. *Probate of wills.*
11. *Settlement of the accounts of fiduciaries, &c., by the county court.*
12. *Caveats.*
13. *Writs of mandamus and prohibition.*
14. *For repealing or vacating charters, and preventing the usurpation of an office or franchise.*
15. *Proceedings for the sale of the real property and slaves of infants, persons of unsound mind, and married women.*

CHAPTER 3.

For alimony and divorce.

§ 1. The action for alimony or divorce shall be by equitable proceedings.

§ 2. The pleadings are not required to be verified by affidavit. But either party may file interrogatories to the other in regard to any matter of property involved in the action, which shall be answered on oath, as interrogatories in other actions, and have the same effect.

§ 3. The statements of the petition for a divorce shall not be taken as true because of the defendant's failure to answer, or his or her admission of their truth.

§ 4. The plaintiff, to obtain a divorce, must allege and prove, in addition to a legal cause of divorce—

1. A residence in the state for one year next before the commencement of the action.

2. That the cause of divorce occurred or existed in this state, or if out of the state, either that it was a legal cause of divorce in the state where it occurred or existed, or that the plaintiff's residence was then in this state.

3. That the cause of divorce occurred or existed within five years next before the commencement of the suit.

§ 5. During the pendency of an action for divorce or alimony, the court may allow the wife maintenance, and enforce the payment of the same by orders and executions, and proceedings as in cases of contempt.

§ 6. In every final judgment for a divorce from the bond of matrimony, an order shall be made, that each party be restored to all property not disposed of at the commence-

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ment of the action, which either party obtained from or through the other during the marriage, and in consideration or by reason thereof. The proceedings for enforcing this order may be by petition of either party, specifying the property the other has failed to restore; upon which, the court may proceed to hear and determine the same, in a summary manner, after ten days notice to the opposite party.

§ 7. The proceedings for annulling a final judgment for a divorce from the bond of matrimony, shall be a joint petition of the parties, verified by both parties in person, filed in the court rendering the judgment, upon which the court may forthwith annul the divorce.

§ 8. To annul a divorce from bed and board, either party may file a petition setting forth a sufficient cause for annulling the same; on which, a summons shall issue against the other, and other proceedings be had, as in actions by equitable proceedings.

CHAPTER 4.

For the settlement of estates of deceased persons.

§ 1. The personal representative, an heir, devisee, legatee, distributee, or creditor of a deceased person, may institute an action by equitable proceedings for the settlement of his estate, and in such action may make all having an interest in the estate and settlement defendants.

§ 2. In an action for the settlement of the estate of a deceased person, if it shall appear that the personal estate is insufficient for the payment of all debts, the court may order the slaves and real property, or either, descended or devised to the heirs or devisees, who may be parties to the action, or so much thereof as shall be necessary, to be sold for the payment of the residue of such debts.

§ 3. In all actions for the settlement of the estates of deceased persons, the court shall make an order for the creditors of such decedents to appear before a commissioner, to be appointed by the court, and prove their claims by a certain day to be named in the order, notice of which shall be given by advertisement in a newspaper; or, if none is published in the county, then by such other modes as the court may judge best calculated to give such creditors actual notice of the order; and in addition to the advertisement in a newspaper, the court may direct publication in other modes.

§ 4. A creditor appearing before the commissioner and presenting his claim becomes thereby a party to the action, and is concluded by the final judgment of the court allowing or rejecting his claim.

§ 5. Creditors failing to appear and prove their claims, agreeably to such order, shall have no claim against the executor or administrator, who has actually paid out the estate

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in expenses of administration, and to creditors, legatees, or distributees.

§ 6. Legatees and distributees shall be liable to a direct action by a creditor to the extent of estate received by each of them, notwithstanding the failure of the creditor to appear, and the discharge of the personal representative, as prescribed in the preceding section; and that liability shall continue for the same period that the liability of the personal representative would have continued but for said discharge.

§ 7. The court shall require the distributee or legatee, before receiving his distributive share or legacy, to execute bond, with good surety, to the commonwealth, conditioned to pay his proportion, not exceeding the amount received by him, of any debt which may appear against the estate of the decedent within five years after the grant of administration on the estate. Any creditor may institute an action on said bond, within five years after the grant of administration, but not after.

§ 8. Upon the institution of the action mentioned in this chapter, an order enjoining the prosecution of actions against the personal representative, or heir, by creditors, for their demands, shall be entered. But such enjoining shall not be made, unless the action for the settlement of the estate be commenced in three years after the qualification of the personal representative.

§ 9. Nothing in this code shall be construed as dispensing with the affidavit required in sections 35 and 36, of article 2, chapter 37, of the Revised Statutes, but said sections, as well as section 38, of the same article, shall remain in full force, and be applicable to all actions or proceedings to enforce a claim against the estate of a person deceased; and no suit shall be brought against a personal representative until after a demand is made of him, accompanied with the affidavit required.

CHAPTER 5.

For enforcing the satisfaction of judgments.

§ 1. After an execution of *fieri facias*, directed to the county in which the judgment was rendered, or to the county of the defendant's residence, is returned by the proper officer, either as to the whole or part thereof, in substance, no property found to satisfy the same, the plaintiff in the execution may institute an action by equitable proceedings in the court from which the execution issued, or in the court of any county in which the defendant resides, or is summoned, for the discovery of any money, chose in action, equitable or legal interest, and all other property to which the defendant is entitled, and for subjecting the same to the satisfaction of the judgment; and in such actions, persons indebted to the defendant in the execution, or holding the money or property in which he has an in-

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terest, or holding the evidences or securities for the same, may be also made defendants.

§ 2. The answers of all the defendants shall be verified by their own oath, and not by that of an agent or attorney, and the court shall enforce full and explicit discoveries in such answers by process of contempt.

§ 3. In the action mentioned in the preceding sections, the plaintiff may have an attachment against the property of the defendant in the execution, similar to the general attachments provided for in chapter three, of title eight, without either the affidavit or bond therein required.

§ 4. A lien shall be created on the property of the defendant by the levy of the attachment or service of the summons, with the object of the action indorsed thereon, on the person holding or controlling his property.

§ 5. The court shall enforce the surrender of the money, or securities therefor, or of any other property of the defendant in the execution, which may be discovered in the action, and for this purpose may commit to jail any defendant or garnishee failing or refusing to make such surrender, until it shall be done, or the court is satisfied that it is out of his power to do so.

CHAPTER 6.

Summary proceedings.

§ 1. Judgments and final orders may be obtained on motion, by sureties against their principals; sureties against their co-sureties, for the recovery of money due them on account of payments made by them as such; by clients against attorneys; plaintiffs in execution against sheriffs, constables, and other officers, for the recovery of money or property collected for them, and damages; and in all other cases specially authorized by statute.

§ 2. Notice of such motion shall be served on the party against whom the judgment or order is sought, at least ten days before the motion is made.

§ 3. The notice shall state in plain and ordinary language the nature and grounds of the motion, and the day on which it will be made.

§ 4. Unless the motion is made or entered on the motion docket on the day specified in the notice, it shall be considered as abandoned.

§ 5. The motion mentioned in this chapter may be made on any day of the term of the court.

§ 6. The motion shall be heard and determined without written pleadings, and judgment given according to law and the rules of equity.

CHAPTER 7.

Civil proceedings on behalf of the commonwealth

§ 1. All debts due to the commonwealth of Kentucky are recoverable by motion in the Franklin circuit court.

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§ 2. Where the debt is due by a sheriff, clerk, or collector of the revenue, or any other receiver of public moneys, for money collected or received, and such officer, collector, or receiver, has failed to pay the same in the manner and at the time prescribed by law, the motion for the recovery of such debt may be made at the regular term of said court next succeeding such failure, without any notice to such debtor or his sureties.

§ 3. Where officers, corporations, or officers of corporations, are required to report to the auditor of public accounts the moneys in their hands belonging to the commonwealth, or due by them, or by a corporation, to the commonwealth, at a certain period or periods fixed by law, and a fine or penalty is imposed for such failure, the motion for the recovery thereof may be made at the term of said court next after such failure, without any notice to said party in default.

§ 4. In all other cases, notice of such motion shall be served on the debtor, or person in default, ten days before the making thereof.

§ 5. The notice shall in general terms state the nature and grounds of the motion, and the day on which it will be made. The notice must signed by the attorney general.

§ 6. Where a debt due to the commonwealth appears upon the books of the auditor of public accounts, or of any other public officer, whose duty it shall be to audit and keep an accurate account of such debt, a copy of the balance due upon the books of such auditor or officer, certified by him to be the correct and true balance, shall be sufficient evidence of such indebtedness.

§ 7. All questions of law or fact arising on said motions, shall be determined by the court.

§ 8. Where the debt due the commonwealth is uncertain in amount, or depends on the settlement of a complicated account or transaction, or in any other case in which the attorney general thinks proper, he may bring an action therefor by ordinary or equitable proceedings in the Franklin circuit court.

§ 9. Precedence shall be given in all courts to actions, motions, and other proceedings in which the commonwealth is a party, for its own use, over any other business of the court.

§ 10. When depositions are required to be taken in any civil proceeding in behalf of the commonwealth, the attorney general may require the commonwealth's attorney of the district, or the county attorney of the county in which the depositions are to be taken, to attend to the taking of the same, and examine or cross-examine the witnesses, whose duty it shall be to attend to the taking of the same, and he shall be allowed five dollars per day for each day he may be so engaged in taking such depositions.

§ 11. Whenever an execution against a public debtor

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shall not be satisfied in the regular course of proceeding, and the auditor shall be of opinion that the same is caused by fraudulent conveyances or a fraudulent concealment of the debtor's property, or by any other obstruction thereto, he may cause actions to be brought either in the court in which the judgment was obtained, or in any other circuit court, where the property may be or the debtor found, to set aside such fraudulent conveyances, remove any obstructions to the execution, or to obtain satisfaction of the judgment as provided in chapter five of this title; and for that purpose may employ an attorney to bring such action, or an agent to prepare the suit and attend to the collection of the judgment, and may agree as to a compensation to be paid for their services, either certain or contingent on success, but the amount of such contingent compensation shall not exceed twenty per cent. on the first three hundred dollars, and ten per cent. on any excess over said amount; for which compensation, when due, he shall issue a warrant on the treasurer.

§ 12. The sheriff, or other officer, collecting any money due to the commonwealth, shall pay the same into the public treasury and obtain a *quietus* therefor, and not to the attorney general or any other attorney or agent employed in the collection of the same, or to any other person, unless otherwise directed by law.

§ 13. The court rendering a judgment in favor of the commonwealth, shall certify the amount thereof, together with the costs, to the auditor; and shall also certify the fees due to officers taking depositions, and to witnesses for attendance on behalf of the commonwealth, for which the auditor shall issue his warrant on the treasurer to the person entitled.

§ 14. The attorney general may make out and certify to the auditor an account of the postages he may have paid in sending out notices and process, and upon letters sent or received by him relating to actions or proceedings in which the commonwealth is interested, who shall thereupon issue his warrant on the treasurer for the amount thereof.

CHAPTER 8.

Arbitrations and awards.

§ 1. The proceedings upon arbitrations and awards made under an order or rule of court, shall be according to the provisions of chapter three of the Revised Statutes, except the words "of chancery," in the eight section, which shall be stricken out; which provisions as amended are as follows:

(Here Chapter three of Revised Statutes to be inserted.)

CHAPTER 9.

Forcible entry and detainer.

§ 1. A forcible entry, in the meaning of this chapter, is an entry into lands or tenements without the consent of

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the person having the possession, in fact, of the premises. A forcible detainer is the refusal of a tenant to surrender to his landlord the land or tenements demised, after the expiration of his term; or of a tenant at will, after the determination of the will of the landlord.

§ 2. It shall not be material whether the tenant received possession of the demised premises from his landlord, or became his tenant after obtaining possession of them.

§ 3. Upon complaint being made, by the person aggrieved thereby, that a forcible entry or a forcible detainer has been committed, to a justice of the peace of the county in which the land or tenement, or a principal part thereof, lies, he shall issue his warrant to the sheriff, in substance as follows:

"THE COMMONWEALTH OF KENTUCKY TO THE SHERIFF OF
COUNTY.

Whereas, A B hath made complaint to me, J S, a justice of the peace for said county, that C D and E F did, on the day of , forcibly enter into (*or forcibly detain from the said A B,*) one house and field on the waters of , in the county aforesaid, (*or other general description of the lands or tenements,*) which were in the peaceable possession of A B, (*or which the said C D and E F, tenants of the said A B now hold against him.*) You are, therefore, commanded to summon a good and lawful jury of your county to meet on the premises on the day of , to inquire into the forcible entry [*or forcible detainer*] aforesaid, and give to the said C D and E F, at least three days notice of the time and place of the meeting of the jury, and have then there this writ. Witness, &c.

§ 4. The sheriff, or other officer, shall give to the defendants notice, according to the directions of the warrant, which notice shall be given to each defendant; and no inquiry shall be made against any defendant who has not been notified as aforesaid. If, however, the notice has been given, but not three days before the day of the meeting of the jury, the inquest shall, on his motion, be adjourned until the expiration of the three days.

§ 5. At the time appointed for holding the inquisition, the sheriff, or other officer, shall return on the warrant upon whom and when it had been executed, and shall deliver the same, together with a panel of the jury, to any justice of the peace of the county who may attend; whereupon, the justice, whether the defendants be present or departed, shall, on the premises, or some place convenient thereto, within his discretion, administer an oath to the jurors, in substance as follows: "You, and each of you, shall well and truly inquire into and return whether the defendant [*or defendants*] be guilty of the forcible entry [*or detainer*] complained of in the warrant in this cause: so help you God."

§ 6. Such justice shall superintend the taking of the

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inquisition, swear witnesses, decide incidental points of law, which may arise and be referred to him by either party, preserve the peace, enforce the rules of decorum, and punish, according to law, contempts of his authority.

§ 7. Any justice of the peace may issue subpoenas for witnesses at the request of either party, and their attendance and testifying may be coerced by the justice who presides at the inquest.

§ 8. The jurors, after hearing the evidence, shall, by their inquest, say whether the defendants, or either of them, be guilty or not guilty of the forcible entry or detainer complained of, and shall return their inquest, signed by one of their body, to the justice of the peace. If the jury do not agree, they may be discharged by the justice presiding, and another ordered to be summoned to meet, either immediately or at some future day, to be then and there fixed and indorsed on the warrant, and this proceeding continued until a jury does agree in an inquest.

§ 9. Upon the return of the inquest, the justice of the peace shall enter a judgment according to the inquisition, either for the plaintiff, in substance, that he have restitution of the premises aforesaid, and recover of the defendants his costs in this behalf expended; or for the defendants, in substance, that they recover of the plaintiff their costs in this behalf expended; or for the plaintiff against some of the defendants, and for the other defendants against the plaintiff, where some are found guilty and others not guilty.

§ 10. If the party against whom the inquisition is found shall not file a traverse of the inquisition with the justice, on or before the third day after the finding of the inquest, the justice shall, on request, issue his execution for the costs; and if the inquisition be in favor of the plaintiff he shall also issue his warrant of restitution in substance as follows:

“ county, scr. *To the Sheriff of county:* Whereas, C D and E F have, by an inquisition taken before me, J P, a justice of the peace for said county, been found guilty of a forcible entry [or detainer] in one house and field, lying on the waters of , in the county aforesaid, [or other general description of the possessions,] to the injury of A B. You are, therefore, in the name of the commonwealth of Kentucky commanded, that with the power of the county, if necessary, you put the said A B in the possession of said premises, and make return within days to me, how you have executed this warrant. Given under my hand this day of .

_____, J. P.

§ 11. The justice of the peace shall carefully preserve all papers, records, and proceedings relating to the cause, except where he transmits them to the clerk, as hereinafter directed, and shall deliver to any person requiring it, a

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transcript thereof, such person paying him therefor two cents for every twenty words in such transcript.

§ 12. If either party conceive himself aggrieved by the finding of the jury, he may file a traverse thereof with the justice within three days next after the finding aforesaid, in substance as follows:

"A B against C D, on a writ of forcible entry [or detainer:] The plaintiff [or the defendant] saith, that the inquisition returned in this cause is not true; wherefore, he prays that proceedings thereon may be stayed until the same can be tried according to law. A B." And shall also, within the same time, before said justice, give bond with sufficient surety, to be approved of by the justice, to his adversary, in a reasonable penalty to be fixed by the justice, with a condition, in substance as follows:

"The condition of the above bond is such, that whereas an inquisition of forcible entry [or detainer,] in which A B was plaintiff, and C D and E F were defendants, was found before _____, a justice of the peace for said county, in favor of said A B, on the _____ day of _____, which inquisition hath been traversed by the said C D and E F. Now, should the said C D and E F pay to said A B all costs of suit, and all damages that may be sustained by said A B in consequence of said traverse, if it be not prosecuted with effect, then this obligation to be void." Upon giving which bond the justice shall stay all further proceedings on the inquisition, and return the whole of the papers and proceedings, or a fair transcript thereof, to the office of the circuit court for said county, within ten days thereafter.

§ 13. Upon this bond, if the traverser fails to prosecute his traverse with effect, he and his surety shall be liable for the damages for withholding the possession which the traversee may be entitled to recover against the traverser, during the period of the pendency of the traverse, either in the circuit court or court of appeals, as well as the reasonable expenses of the traversee in defending the traverse, not exceeding the penalty of the bond.

§ 14. The clerk shall docket the traverse as other actions; it shall stand for trial as docketed; the traversee shall join issue on the traverse; it shall be tried by a jury, and judgment given on the verdict, as in other cases: *Provided however*, that nothing herein contained shall be construed to prevent the court from giving judgment against either party for default, nor from deciding any matter of law properly brought before them, as in other cases.

§ 15. After a cause is returned to the circuit court, executions for cost, or for restitution, shall issue from the office of that court, according to the judgment in the cause.

§ 16. The court before whom such cause may be depending, or any judge thereof in vacation, may make any order restraining waste or destruction of the premises, and

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punish by fine and imprisonment, or either of them, a disobedience of such order.

§ 17. The proceedings under a writ of forcible entry or forcible detainer, shall not be a bar to an action of trespass, or for waste, or for rent, or for mesne profits.

§ 18. No inquisition of forcible entry or forcible detainer shall be taken at any time after two years from the forcible entry or detainer complained of.

§ 19. That the Jefferson county court shall have exclusive jurisdiction of all traverses of forcible entry and detainer arising in said county.

CHAPTER 10.

Probate of wills.

§ 1. The manner of proving wills and contesting their probate, shall be as directed in sections 27 to 42 inclusive; of chapter 106, of the Revised Statutes, except that a petition in equity shall be filed wherever a bill in chancery is directed therein, which sections are as follows:

(Here the sections to be inserted.)

CHAPTER 11.

On the settlement of the accounts of personal representatives, guardians, committees of idiots and lunatics, and trustees, in the county court.

§ 1. The accounts of personal representatives, guardians, committees of idiots and lunatics, may be settled in the manner and by the mode of proceeding provided in chapter 27, article 22, of the Revised Statutes, which are as follows:

(Here the sections to be inserted.)

§ 2. The accounts of trustees may be settled in the same manner, and the settlements shall have the same effect as prescribed in regard to the settlements of the fiduciaries named in the last section. The county court, in the clerks office of which the deed or will creating the trust is recorded, shall have the jurisdiction of making the settlements.

CHAPTER 12.

On caveats.

§ 1. The proceedings on caveats shall be according to the provisions of chapter 11, of the Revised Statutes, which are as follows:

(Here the sections to be inserted.)

CHAPTER 13.

Writs of mandamus and prohibition.

§ 1. Writs of mandamus, except where used by a court for enforcing its judgments or orders, and writs of prohibition shall be obtained by motion and prosecuted in the manner provided in the chapter of "Summary Proceedings," except that the applicant shall file a petition where-

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in he shall state the cause and ground of his application, before giving notice of his motion; to which the party against whom the mandamus or prohibition is sought, shall file an answer, wherein he shall state the reasons why the writ should not be granted, which answer shall be filed at or before the time fixed for making the motion.

§ 2. The court shall hear and decide all questions of law or fact arising in the motion, and the granting or refusing of the writ shall be the final order in the motion.

§ 3. During the pendency of the motion, the court, or judge in vacation, may make temporary orders for preventing damage or injury to the applicant until the motion is decided.

§ 4. The writ of mandamus, as treated of in this chapter, is an order of a court of competent and original jurisdiction, commanding an executive or ministerial officer to perform an act, or omit to do an act, the performance or omission of which is enjoined by law, and is granted on the motion of the party aggrieved, or of the commonwealth when the public interest is affected.

§ 5. Where the interests, rights, or claims of the commonwealth are affected by the final order on an application for a writ of mandamus, the attorney general may prosecute an appeal without any security whatever.

§ 6. The writ of prohibition is an order from the circuit court to an inferior court of limited jurisdiction, prohibiting it from proceeding in a matter out of its jurisdiction.

CHAPTER 14.

For repealing or vacating charters, and preventing the usurpation of an office or franchise.

§ 1. In lieu of the writs of *scire facias* and *quo warranto*, or of an information in the nature of a *quo warranto*, actions by ordinary proceedings may be brought to vacate or repeal charters, and to prevent the usurpation of an office or franchise.

§ 2. The action to repeal or vacate a charter shall be in the name of the commonwealth, and brought and prosecuted by the attorney general, or under his sanction and direction by an attorney for the commonwealth.

§ 3. In the cases of municipal corporations, banks, railroad and turnpike road companies, the actions to vacate or repeal their charters, shall only be instituted by order of the legislature, except where otherwise expressly provided.

§ 4. Whenever a person usurps an office or franchise to which he is not entitled by law, an action by ordinary proceedings may be instituted against him, either by the commonwealth or the party entitled to the office or franchise, to prevent the usurper exercising the office or franchise.

§ 5. It shall be the duty of the several commonwealth attorneys to institute the actions mentioned in this chapter,

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against all persons who have or shall usurp county offices or franchises, where there is no other person entitled thereto, or the person entitled fails to institute the same for three months after the usurpation.

§ 6. For usurpation of other than county offices or franchises, the action by the commonwealth shall be instituted and prosecuted by the attorney general.

§ 7. A person who continues to exercise an office after having committed an act, or omitted to do an act, the commission or omission of which, by law, creates a forfeiture of his office, shall be subject to be proceeded against for a usurpation thereof.

§ 8. Where a person is adjudged to have usurped an office or franchise, he shall be deprived thereof by the judgment of the court, and the person adjudged entitled thereto reinstated therein; but no one shall be adjudged entitled thereto unless the action is instituted by him. And the court shall have power to enforce its judgment, by causing the books and papers, and all other things pertaining to the office or franchise, to be surrendered by the usurper, and by preventing him from further exercising or using the same, and may enforce its orders by fine and imprisonment until obeyed.

§ 9. Where the usurper has received fees and emoluments arising from the office or franchise, he shall be liable therefor to the person entitled thereto, who may claim the same in the action brought to deprive him of the office or franchise, or in a separate action. If no one be entitled to the office or franchise, the same may be recovered by the commonwealth and paid into the public treasury.

§ 10. The pleadings in the actions named in this chapter are not required to be verified by affidavit, unless prosecuted by a private individual.

CHAPTER 15.

Proceedings for the sale of the real property and slaves of infants, married women, and persons of unsound mind.

§ 1. That the provisions of the Revised Statutes, in chapter 86, shall regulate the proceedings for the sale of the real property and slaves of infants, married women and persons of unsound mind, except as provided in the following sections.

§ 2. No security shall be required of the husband, upon the sale of the real property or slaves of his wife, where she is of sound mind, over the age of twenty-one years, and upon privy examination before the judge, or a commissioner by him appointed, requests that no order be made for the investment of the proceeds of the sale.

§ 3. The land and slaves of a person of unsound mind may be sold by the order of the circuit court, or other court of equal equitable jurisdiction, though not necessary

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for the payment of his debts or for his maintenance, where it shall appear—

1. That the person of unsound mind has a wife and children.

2. That his unsoundness of mind is confirmed and incurable.

3. That his estate is more than sufficient to pay his debts and maintain him.

4. That the sale will be beneficial to his estate, and prospectively beneficial to his wife and children.

5. That his wife and children being made parties to the proceeding, in proper person if of full age, or by their guardians if infants, consent to such sale as beneficial to them by their answers, which shall be sworn to by their guardians.

§ 4. The land and slaves of a person of unsound mind, held jointly with another or others, though not necessary for the payment of the debts of said person, or for his or her maintenance, may be sold by the order of a circuit court, or other court of equal jurisdiction, where it shall appear to the court from affidavits, depositions, or other legal evidence, that the interest of such other joint owner or owners would be advanced thereby, and the interest of said person of unsound mind would not be injuriously affected thereby; and the proceeds of the sale shall be disposed of in the same manner as the proceeds of real estate of lunatics now authorized by law to be sold.

§ 5. Where town or city lots, or land outside of a town or city, but having upon it a building of more value than the land, shall be held by or in trust for co-parceners, joint tenants or tenants in common, some of whom are infants, or persons of unsound mind, the circuit court, or other court of similar equitable jurisdiction, may, upon the petition of a part of such owners against the others, or of the trustee against such owners, or of the owners against the trustee, and upon its being proven that a division of such land would materially impair its value, order a sale thereof and a division of the proceeds among those entitled. Before such sale is ordered, the court shall appoint some suitable persons to take care of the interests of the infants, or persons of unsound mind; and the shares of such infants, or persons of unsound mind, shall not be paid by the purchaser, but remain a lien upon the land, bearing interest, until they become capable in law of receiving their respective shares, or until statutory guardians shall be appointed for the infants, or committees for the persons of unsound mind, or the infants shall become married, and such guardians, committees, or husbands, give bond as required in chapter 86 of the Revised Statutes.

§ 6. A sale of the land or slaves of infants, persons of unsound mind, or married women, shall not be deemed to be prohibited as being in contravention of the deed, will,

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or contract under which they hold, unless a sale is expressly forbidden by such deed, will, or contract.

§ 7. Where the legal title of land or slaves is held by a trustee, he shall be a party to the proceedings for their sale, and in all other respects the proceedings for the sale of land and slaves held in trust for infants, married women, and persons of unsound mind, shall be the same as where they hold the legal title, except that the trustee shall give bond and security, instead of the guardian, committee, or husband, where the proceeds of sale are to go into the hands of such trustee.

That in title sixteen, chapter one be stricken out, and chapters two and three be chapters one and two, and the following chapter be added:

CHAPTER 3.

ARTICLE I.

Mode of proceeding in Quarterly Courts, Police Courts, City Courts, Mayors' Courts, and Courts of Justices of the Peace.

§ 1. The provisions of this code shall regulate the proceedings in civil actions in the quarterly courts, county courts, police courts, city courts, mayors' courts, and courts of justices of the peace, except as provided in this chapter.

§ 2. The summons, orders for provisional remedies, and other process from courts of justices of the peace, shall be directed to a constable; of the quarterly courts or county courts either to the sheriff, coroner, or a constable, at the option of the plaintiff; of the police, city, and mayors' courts, to the marshal or constable; but the summons may be served by any officer or person authorized by this code to serve a summons.

§ 3. The duties and powers enjoined and conferred in this code upon clerks, shall devolve on the judge or justices of such courts, where by law the judge or justices are required to act as the clerk of their court.

§ 4. Only one docket is required to be kept, on which shall be entered all the actions and motions as they shall be returned before them.

§ 5. Where the matter in controversy does not exceed fifty dollars, the pleadings in the action may be oral and without verification. But before the summons is issued, the plaintiff shall file with the justice the account, or the written contract, or a short written statement of the facts on which the action is founded.

§ 6. In the actions named in the last section, the service of the summons five days before the time of trial, shall authorize a trial and judgment. Where the matter in controversy exceeds fifty dollars, the service of the summons ten days before its return day shall authorize a trial and judgment, whether the proceedings are ordinary or equitable.

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§ 7. On the calling of an action for trial, if the summons has been served as prescribed in the last section, the defendant shall put in his defense and the plaintiff his reply, if a reply be necessary, and the trial forthwith proceed, unless the court give further time, or grant a continuance.

§ 8. In actions by equitable proceedings, the parties may either take the depositions of witnesses, or examine them orally in court.

§ 9. The delivery of a copy of the summons shall not be necessary in its service, nor of a copy of a subpoena, or a ticket stating its substance, in its service on a witness.

§ 10. Where the defendant resides in the county in which the summons was issued, the summons shall be returned for trial in the district of his residence, unless he otherwise consents, in writing signed by him and indorsed on the summons, or unless the justices in such district are interested or refuse to act, in which case it shall be returned in an adjoining district.

§ 11. Where there are two or more defendants residing in the county, but in different districts, the summons shall be returnable in either district.

§ 12. Where a defendant transiently in a county is served with a summons issuing in said county, it shall be returned in the district in which he is served, unless he otherwise consents in writing signed by him. Where the summons is issued by the judge of the quarterly court, it shall be returned before him, unless the defendant or defendants all reside in one district, and there is an acting justice of the peace and an acting constable in such district.

§ 13. The parties shall not be entitled to a trial by jury unless the matter in controversy exceeds in value sixteen dollars. Upon a jury trial being claimed, where the same is allowable, the presiding judge or justice shall order a jury to be forthwith impaneled to try the action. The jurors shall be qualified as required in the circuit courts.

§ 14. A new trial or re-hearing may be granted in the quarterly courts or courts of justices of the peace, upon motion made within ten days after a judgment or final order has been made or rendered, of which motion notice shall be given to the opposite party.

§ 15. Each presiding judge and justice of the peace shall, in a book provided for that purpose, keep a full and fair record of his judicial proceedings in his court, and keep a good cross index in the names of the litigants, referring to the pages of the book of every entry in each case.

§ 16. The depositions to be read in quarterly courts, county courts, police courts, city courts, mayors' courts, or courts of justices of the peace, may be taken before justices of the peace, examiners, presiding judges of county courts, or police judges.

§ 17. Either party may examine the other on oath, and

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for that purpose may cause him to be summoned to attend the trial if he reside in the county, or if he reside out of the county, may file written interrogatories with the clerk of the county court, or presiding officer in whose court the trial is to be had, together with an affidavit that he believes the answers to them are necessary to his obtaining justice, and cause a copy of said interrogatories to be delivered to the party required to answer them, who shall make out, swear to, and file with such county court, or presiding officer, on or before the day of trial, a plain, direct response to the interrogatories, which may be read by either party.

§ 18. The court shall render judgment against the party who refuses to attend and be examined when summoned two days before the trial, or to make proper responses to interrogatories where a copy shall have been delivered to him three days before the trial, where he resides within fifty miles of the place of trial, and one additional day for every additional thirty miles he may reside therefrom; but the court may grant further time for attending or answering.

§ 19. The last two sections shall apply to appeals from judgments of quarterly, justices', city, police and mayors' courts.

§ 20. Where the record of a judgment of a quarterly, city, police, mayor's or justice's court has been lost or destroyed, such court may, on motion of the plaintiff, after five days notice, render a new judgment for what may remain due thereon.

§ 21. A set-off or counter-claim, though exceeding in amount the jurisdiction of the court, may be used to bar and extinguish the demand of the plaintiff; but no judgment shall be rendered in favor of the defendant for the excess, unless such excess is within the limits of the court's jurisdiction as to amount. The judgment shall ascertain the amount due to the plaintiff, and give him a credit therefor on the claim used as a set-off or counter-claim.

§ 22. Where an order for a provisional remedy has been made by a judge or justice, in an action within the jurisdiction of their respective courts, and the order has been served or levied, the trial of the action and disposition of the order may take place at any time after five days notice to the defendant, without waiting for the regular term of such judge's or justice's court, which notice may be given by the officer at the time of serving the summons or levying the order; and if the justice before whom the trial should regularly be had is sick, absent, or unable to act, the officer may return the case for trial before the most convenient magistrate.

§ 23. Land shall not be levied on or sold under execution from a quarterly or justice's court, or any court of similar jurisdiction.

§ 24. When an execution on a judgment of a quarterly or justice's court, or court of similar jurisdiction, has been

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returned by a constable or other officer, either as to the whole or a part thereof, in substance, no property found to satisfy the same, the plaintiff may obtain from the justice a certified copy of the judgment and execution, and return and file the same in the clerk's office of the circuit court of the county in which the judgment was rendered, which copies shall be copied by the clerk in a book kept for that purpose; and thereupon the clerks shall issue writs of execution on the judgment for the amount due thereon and the costs, including the costs of the copies by the justice and copying by the clerk, which shall be levied and proceeded on as executions on judgments of the circuit court.

ARTICLE II.

Appeals from judgments of Quarterly Courts, Police Courts, City Courts, Mayors' Courts, and Courts of Justices of the Peace.

§ 1. Appeals may be taken in the manner following: The party appealing shall produce to the clerk of the court to which the appeal is taken a certified copy of the judgment and amount of costs, and cause to be executed before said clerk, by one or more sufficient sureties to be approved by the clerk, a bond to the effect that the appellant will satisfy and perform the judgment that shall be rendered upon the appeal; whereupon, the clerk shall issue an order to the judge, mayor, or justice rendering the judgment, to stay all further proceedings on the same, and to transmit to the office of said clerk all the original papers therein, and the appellee shall be summoned actually or constructively, as provided in chapter 2 of title 4, to appear and defend the appeal. Where the judge acts as clerk of his court, the provisions of this section, in regard to clerks, apply to him.

§ 2. The judge, mayor, or justice, on being served with said order, shall, in ten days thereafter, transmit all the original papers in the action to the clerk's office of the court to which the appeal is taken.

§ 3. Appeals shall be docketed and stand for trial as actions by ordinary proceedings. The actions shall be tried anew, as if no judgment had been rendered.

§ 4. Unless the judgment on the appeal is more favorable to the appellant than the original judgment, he shall pay the costs of the appeal. Where he merely succeeds in reducing the amount of a judgment rendered against him, it shall be at the discretion of the court to allow him costs or not.

§ 5. The costs in the inferior court shall be adjudged in favor of the plaintiff, when he succeeds in obtaining, on the appeal, a judgment for any amount; otherwise, in favor of the defendant.

§ 6. No appeal shall be taken as provided in this article, except within sixty days from the rendering of the judgment.

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§ 7. If the appellant moves to dismiss or fails to prosecute his appeal, it shall be at the option of the appellee either to proceed to trial on the appeal, or have judgment rendered for the amount of the original judgment and costs where it was in his favor, or in bar of the original judgment where it was against him.

§ 8. Whenever a party is desirous of taking an appeal, the mayor, judge, or justice before whom the case was tried, shall deliver to him, upon application, a copy of the judgment and amount of costs, certified by him.

That the following title be added to the code of practice :

TITLE 18,

Appeals to the Court of Appeals.

CHAP. 1. *How granted.*

2. *Supersedeas on appeals.*

3. *Trial and decision.*

CHAPTER 1.

How granted.

§ 1. The mode of bringing the judgment or final order of an inferior court to the court of appeals for reversal or modification, shall be by appeal, which shall be granted as matter of right, either by the court rendering the judgment or order, on motion made during the term at which it is rendered, or by the clerk of the court of appeals on application of either party.

§ 2. The party taking the appeal shall be called the appellant, and the adverse party, the appellee.

§ 3. Unless the appeal is granted by the inferior court, or the appellee enters his appearance in the court of appeals, he shall be summoned actually or constructively, as provided in chapter 2, title 4, of this code, to appear and answer the appeal.

§ 4. It shall be the duty of the appellant to file in the clerk's office of the court of appeals within ninety days after the appeal is granted, an authenticated copy of the record, otherwise his appeal shall be dismissed; but the court of appeals may, for cause shown, extend the time of filing such copy, not beyond, however, the first day of the second term of said court after the appeal was granted.

§ 5. The appellee may file an authenticated copy of the record in the clerk's office of the court of appeals with the same effect as if filed by the appellant.

§ 6. Where either party conceives that the copy of the record is imperfect, the clerk of the court of appeals shall, on his application, issue a writ of *certiorari*, commanding the clerk of the inferior court to transmit to the court of appeals a true copy of the omitted or imperfect part of the record, which part shall in general terms be described in the writ.

§ 7. Where a view of an original paper in the action

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may be important to a correct decision of the appeal, the court may have the same brought up by a *subpoena duces tecum*, directed to the clerk of the inferior court.

§ 8. The appellant may be required to give security for costs, under the same circumstances that plaintiffs in civil actions may be so required.

§ 9. An appeal shall not be granted, except within three years next after the rendition of the judgment or order, unless the party applying therefor was an infant, married woman, or of unsound mind, at the time of its rendition, in which cases an appeal may be granted to such parties, or their legal representatives, within one year after the removal of their disabilities or death, whichever may first happen.

§ 10. The tax on the appeal shall be one dollar.

CHAPTER 2.

Supersedeas on appeals.

§ 1. An appeal shall not stay proceedings on the judgment or order, unless a supersedeas is issued.

§ 2. A supersedeas shall not be issued, until the appellant shall cause to be executed before the clerk of the court which rendered the judgment or order, or the clerk of the court of appeals, by one or more sufficient sureties to be approved by such clerk, a bond to the effect that the appellant shall pay to appellee all costs and damages that shall be adjudged against the appellant on the appeal; also, that he will satisfy and perform the judgment or order appealed from in case it should be affirmed, and any judgment or order which the court of appeals may render or order to be rendered by the inferior court, not exceeding in amount or value the original judgment or order, and all rents or hire or damages to property during the pendency of the appeal, of which the appellee is kept out of possession by reason of the appeal.

§ 3. Where the appeal was granted by the court rendering the judgment or order, and the bond is executed within thirty days thereafter before the clerk of such court, the supersedeas shall be issued by such clerk; in all other cases, it shall be issued by the clerk of the court of appeals.

§ 4. A supersedeas shall not be issued by the clerk of the court of appeals, until an authenticated copy of the record, with a certified copy of the supersedeas bond—if it was executed before the clerk of the inferior court—shall be filed in his office.

§ 5. If the appellee believes the supersedeas bond to be defective, or the sureties to be insufficient, he may move the court of appeals, if in session, or on reasonable notice to the appellant, may move a judge of said court in vacation, to discharge the supersedeas; and if the court or judge shall consider the sureties insufficient, or the bond substantially defective in securing the rights of the appel-

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lee, the court or judge shall make an order discharging the supersedeas, unless a good bond with sufficient sureties be forthwith executed. The order, if made by a judge, shall be in writing and signed by him, upon the filing of which, or of a certified copy of the order when made in court, in the clerk's office of the inferior court, executions and other proceedings for enforcing the judgment or order may be immediately taken as if no supersedeas had been issued. But another supersedeas may be issued by the clerk of the court of appeals upon the execution of a new and lawful bond with sufficient sureties as hereinbefore provided.

§ 6. The supersedeas may be issued to stay proceedings on a part of a judgment or order, in which case the bond shall be varied so as to secure the part superseded.

§ 7. The supersedeas is a written order signed by the clerk, commanding the appellee and all others to stay proceedings on the judgment or order.

CHAPTER 3.

Trial and decision.

§ 1. Appeals shall stand for trial, when the copy of the record was filed in the clerk's office of the court twenty days before the commencement of the term; and, where a summons is required, the appellee summoned twenty days before the day on which the appeal is set for trial on the docket, or his appearance entered before the day of trial.

§ 2. The clerk shall arrange the appeals upon the docket, setting a proper number for each day of the term, and in arranging them may have due regard to the convenience of litigants, in placing together the appeals from the several judicial districts.

§ 3. The appellee, at any time before trial, by an entry upon the records of the court of appeals, may pray and obtain a cross appeal.

§ 4. No written assignment of errors shall be necessary, but the judgment may be reversed or modified for any error appearing on the record, to the prejudice of the appellant or cross appellant.

§ 5. Where the appeal was improperly granted, or the appellant's right of further prosecuting the same has ceased, the appellee, in lieu of pleading, may move the court to dismiss the appeal, the grounds of which motion shall be stated in writing, signed by the appellee or his counsel, and if not appearing on the face of the record, or by a writing purporting to have been signed by the appellant and filed, shall be verified by affidavit. The motion shall not be heard or determined before the day on which the appeal is set for trial on the docket, unless the appellant consents thereto.

§ 6. The appellee may, by answer filed and verified by himself, or agent, or attorney, plead any fact or facts which renders the granting of the appeal improper, or destroys

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the appellant's right of further prosecuting the same; to which answer the appellant shall file a reply, likewise verified by affidavit of himself, agent, or attorney, and the questions of law or fact thereon shall be determined by the court.

§ 7. Where an appeal with a supersedeas has been taken for delay merely, the appellee may at any time move the court to affirm the judgment or order as a delay case; before making which motion, he or his counsel shall indorse on the record, in substance, that he has carefully examined the record and believes the appeal is prosecuted for delay merely; whereupon, the court shall examine the record, and if they find no error in the proceedings, and believe the appeal was prosecuted for delay merely, they shall affirm the judgment or order.

§ 8. The court of appeals may make rules for the convenient dispatch of business, the preservation of order, the argument of cases or motions, the manner and time of presenting motions or petitions for re-hearing, the time of issuing its mandates and decisions, and mode of enforcing its mandates and orders, and may change the same; provided that no mandate shall issue, or decision become final, until after fifteen juridical days from the time the decision was rendered, not including the days of recess, unless the court, in delay cases, and in cases involving no difficult question of law or fact, otherwise direct. And if a petition for re-hearing shall be filed in vacation, within fifteen days after the decision is rendered, the mandate shall not issue, nor the decision become final, until the court, at a subsequent term, shall so order.

§ 9. Upon the affirmance of a judgment, order, or decree of a court for the payment of money or delivery of personal property, the appellee may file in the clerk's office of such court a copy of the mandate of affirmance, upon which the clerk shall indorse the time of its being filed, and thereupon such writs of execution may be issued on the judgment, order, or decree, as could be issued after the mandate has been entered in the court.

§ 10. The court of appeals shall have power to enforce its mandates upon inferior courts and officers by fine and imprisonment, which imprisonment may be continued until they are obeyed.

§ 11. A judgment or final order shall not be reversed for an error which can be corrected on motion in the inferior court, until such motion has been made there and overruled.

§ 12. Upon the affirmance of a judgment, order, or decree, for the payment of money, the collection of which, in whole or part, has been superseded, as provided in this chapter, ten per centum damages on the amount superseded shall be awarded against the appellant.

§ 13. The court must deliver written opinions in all ca-

ses involving a principle of law not previously settled by the court, and reported.

§ 14. In the publication of the reported decisions of the court of appeals, it shall be the duty of the reporter to make a short abstract of the facts of the case involved in the decision, followed by the legal propositions made by counsel in the argument on both sides, with the authorities relied on for their support.

That in place of title two, stricken out of the code of practice, there shall be inserted the following title :

TITLE 2.

JURISDICTION OF COURTS IN CIVIL ACTIONS.

CHAP. 1. *Court of Appeals.*

2. *Circuit Courts.*

3. *Quarterly Courts.*

4. *County Courts.*

5. *Justices' Courts.*

CHAPTER 1.

Court of Appeals.

§ 1. The court of appeals shall have appellate jurisdiction over the final orders and judgments of all other courts of this commonwealth, subject to the exceptions in the next section.

§ 2. Where the action or proceeding is for the recovery of money or personal property, and the matter in controversy does not exceed one hundred dollars in value, or, in behalf of the defendant, where the judgment of the inferior court is against him for money or personal property, not exceeding in value one hundred dollars, unless reduced below that amount by a set-off or counter-claim, or where the judgment grants a divorce, or where the judgment or order is by the quarterly court, county court, police court, city or mayor's court, or justice's court, and an appeal is given to the quarterly or circuit court, the court of appeals shall have no appellate jurisdiction.

§ 3. The costs are not to be included in estimating the value necessary to give jurisdiction to the court of appeals.

CHAPTER 2.

Circuit Courts.

ARTICLE 1.

Original jurisdiction.

§ 1. Circuit courts have original jurisdiction of all actions and proceedings for the enforcement of civil rights or redress of civil wrongs, except where exclusive jurisdiction is given to other courts.

§ 2. The Louisville chancery court has the same general jurisdiction of actions and proceedings commenced and prosecuted by equitable proceedings as circuit courts, sub-

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ject to removals to and from the Jefferson circuit court, as provided in sections 668 and 675.

ARTICLE II.

Appellate jurisdiction.

§ 1. Circuit courts shall have appellate jurisdiction of the judgments and final orders of the quarterly courts, where the matter in controversy is of the value of twenty dollars or more, and of judgments and final orders of the county courts on the probate of wills, the granting or revoking of letters testamentary and of administration, the appointment and removal of guardians, the settlements of the accounts of fiduciaries, the division of land and slaves, the allotment of dower, and the establishment, alteration, or discontinuance of ferries, mills and dams, roads and pass-ways, and of judgments of justices of the peace on inquisitions of forcible entry or detainer, and of inquisitions before justices of the peace or other officers for appropriating private property to public uses, except where otherwise directed by law.

§ 2. The appellate jurisdiction of the circuit court shall extend to errors of fact as well as errors of law, in the orders and judgments.

§ 3. The appeals from orders and judgments of the county court may be taken in the same time, and in a similar manner, with appeals to the court of appeals, except that the original papers and copies of the orders of the county court shall be delivered by the clerk of the county court to the clerk of the circuit court, upon an appeal being taken, instead of a copy of the complete record.

§ 4. Whenever the clerk of the county court shall deliver to the clerk of the circuit court any original papers, he shall take a receipt therefor and file the same in place of such papers.

CHAPTER 3.

Quarterly Courts.

ARTICLE I.

Original jurisdiction.

§ 1. The quarterly courts have jurisdiction of all actions for the recovery of money or personal property not exceeding one hundred dollars in value, of inquests upon idiots and lunatics, and of all actions or proceedings of which justices of the peace have jurisdiction.

§ 2. The title of real property, or slaves, shall not be affected by any judgment or order of a quarterly court, or of any court of similar or inferior jurisdiction, although collaterally brought in issue.

ARTICLE II.

Appellate jurisdiction.

§ 1. The quarterly court has appellate jurisdiction of the

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judgments of justices' courts for the recovery of money or property exceeding ten dollars in value.

§ 2. The quarterly court has no appellate jurisdiction of judgments on inquisitions of forcible entry or detainer, or on any other inquests before justices of the peace.

CHAPTER 4.

County Courts.

§ 1. In addition to the fiscal powers conferred by statute, the county courts shall have jurisdiction in the following civil proceedings.

1. For the probate of wills, and the granting and revoking of letters testamentary and of administration, according to the provisions of chapter 106, section 27, and of chapter 37, article 1, section 1, of the Revised Statutes.

2. For the appointment and removal of guardians, according to the provisions of chapter 43, article 1, of the Revised Statutes.

3. For the settlement of the accounts of executors, administrators, curators, guardians, trustees, and other fiduciaries appointed by the court, according to the provisions of chapter 27, article 22, of the Revised Statutes, and the provisions of this code.

4. In cases of bastardy as provided in chapter 6 of the Revised Statutes.

5. For the division of the lands of joint tenants, co-parceners, and tenants in common, according to the provisions of chapter 57 of the Revised Statutes.

6. For the division of the slaves of a person deceased, in the county in which the personal representative of the deceased was appointed or qualified.

7. For the division of slaves held by tenants in common, or joint tenants, in the county in which all the owners reside, or where all who reside out of the county appear in court.

8. For the assignment of dower in lands situate in the county, or in a tract of land the greater part of which is situate in such county.

9. For the establishment, alteration, or discontinuance of ferries, roads, and pass-ways, concerning mills, and for allowing or refusing to allow dams to be built across water courses.

10. In all matters wherein jurisdiction has been conferred by the Revised Statutes or other statutes.

CHAPTER 5.

Justices' Courts.

§ 1. The courts of justices of the peace shall have jurisdiction exclusive of the circuit court, but concurrent with the quarterly court, of all actions and proceedings for the recovery of money or personal property where the matter

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in controversy does not exceed fifty dollars in value, and in other cases specially provided by statute.

That in title 10 the following chapter be inserted :

CHAPTER 16.

Proceedings for the division of land and slaves, and the allotment of dower in the County Court.

§ 1. Any person desiring a division of land or slaves held in joint tenancy, in common, or in co-parcenary, or an allotment of dower, by the county court, shall file in said court, or in the clerk's office thereof in vacation, a written petition, in which a description of the property, the names of those having an interest in it, and the amount of such interest, shall be briefly stated, in ordinary language, with a prayer for the division or allotment, and thereupon all persons interested in the property who have not united in the petition, shall be summoned to appear and answer the petition, on the first day of the next term of the court.

§ 2. Upon such a petition by all interested in the property being filed, or upon a summons being served upon all who have an interest in the property and who have not united in the petition, ten days before the commencement of the term, the county court may make an order for the division or allotment of dower according to the rights of the parties, by commissioners appointed according to the provisions of chapter 57 of the Revised Statutes.

§ 3. The statutory guardian of an infant, committee of a person of unsound mind, and husband of a married woman, may file or unite in the petition in the names of and in conjunction with such infant, person of unsound mind, or married woman, and if the petition is filed against infants, married women, or persons of unsound mind, the guardian, committee, or husband, may appear and defend for them and protect their interests; and if they do not, the court shall appoint some discreet person for that purpose.

§ 4. If any person summoned, as provided in the last three sections, desires to contest the rights of the petitioners or the statements in the petition, he shall do so by a written answer, and the questions of the law and fact thereupon arising shall be tried and determined by the county court, or the case, on the motion of either party, shall be removed into the circuit court for trial.

§ 5. Upon such removal being ordered, the clerk of the county court shall deliver to the clerk of the circuit court the petition, summons, answer, and other papers filed therewith, and a copy of the order of removal, whereupon the case shall be placed on the common docket, and be tried and decided as an action by ordinary proceedings, but all questions of law and fact shall be tried and determined by the court.

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§ 6. Parties interested may be constructively summoned, as provided in title 4, chapter 2, article 2, of this code, either in the county or circuit court.

§ 7. The circuit court, upon the case being tried and decided, may order the division or allotment of dower according to the rights of the parties.

§ 8. Upon a report of the division or allotment of dower by the commissioners appointed for that purpose being returned, either in the county or circuit court, such court may confirm or set aside the report, or remand it to commissioners for correction.

§ 9. On the confirmation of the report of the division of lands, the commissioners, or some commissioner appointed for the purpose, shall make a deed, or deeds, of partition, conveying to each party the land allotted to him in severalty, which shall be approved by the court and recorded as other deeds.

§ 10. The costs of the division and allotment shall be apportioned among the parties in the ratio of their interests, and the costs arising from any contest of fact or law shall be paid by the party adjudged to be in the wrong.

§ 11. No verification shall be required to the petition or answer.

That the following clause be added to the end of section 530 of this code:

When the distance exceeds fifty miles, and the usual mode of travel for the whole or a part of the distance, is by steamboat, railroad cars, or other public conveyance, then the time ordinarily required by such mode of travel, with the days given for preparation, shall be deemed sufficient in the notice. Where the distance is less than thirty miles, a notice which gives to the party a reasonable opportunity to be present shall be sufficient.

That the following section be inserted between sections five and six of the code:

§—An action upon a written obligation which has been lost or destroyed, may be prosecuted by ordinary proceedings.

That in title 16 the following chapter be inserted:

CHAPTER 4.

General provisions.

§ 1. The provisions of this code shall apply to and regulate the proceedings of all courts of this commonwealth, though not expressly enumerated, and of all that may hereafter be created.

§ 2. Where courts have been or may be hereafter created, having a similar jurisdiction in whole or in part with circuit courts, they shall be considered as circuit courts in the meaning of this code; where a similar jurisdiction with quarterly courts, or justices' courts, they shall be consider-

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ed as quarterly courts, or justices' courts, in the meaning of this code.

That the following words be stricken out of section 168 :

"No pleading, verified as herein required, shall be used against the party in any criminal prosecution or action, or proceeding, for a penalty or forfeiture, as proof of a fact admitted or alleged in such pleading, and—"

Add to section 168 the following words :

The verification of any pleading of a corporation may be by any officer or agent on whom the summons in an action against the corporation may be served, or by its attorney in the action.

That in title 7, chapter 3, after section 199, the following sections be added :

§ 200. Where a party filing interrogatories shall also file an affidavit that he verily believes the subject of the interrogatories, or any of them, is in the personal knowledge of the opposite party, and that his answers thereto, if truly made from such knowledge, will sustain the claim or defense, or any part thereof, and the opposite party shall fail, after reasonable time allowed therefor, to answer them, the claim or defense, or the part thereof according to such affidavit, shall be deemed to be sustained, and judgment given accordingly.

§ 201. The court may compel answers to interrogatories by process of contempt, and may on the failure of the party to answer them, after reasonable time allowed therefor, dismiss the petition or quash the answer of the party so failing.

That section 519 be amended by striking out of the first and second lines the words "two and not more than four," and inserting in place thereof the words "at least two."

That section 521 be stricken out, and the following sections inserted in place of it:

§ 521. There shall not be more than three examiners' offices in any one county, unless a majority of the members of the bar, resident in said county, shall, by a petition, filed in the circuit court, state that more examiners' offices are necessary to the convenient dispatch of business; whereupon the judge may appoint more examiners and order more examiners' offices to be kept, not exceeding one examiner and examiner's office in each election precinct, except at the county seat, where two examiners' offices may be kept for each precinct.

§ 522. The examiners shall be authorized to administer oaths and give certificates thereof in all cases in which justices of the peace are so authorized.

§ 523. The judges in vacation, may make temporary appointments of examiners by written orders signed by such judge and filed in the circuit court clerk's office, and the examiner so appointed, being qualified before such clerk, and a certificate thereof indorsed on the order, shall re-

main in office until the expiration of the next regular term of the circuit court.

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That the following section be inserted after section 580 of the code:

§ —. That evidence which has been or may be perpetuated agreeably to the provisions of part 3, title 13, may be read, subject to the objections and requirements of said provisions, on the trial of any action or suit which has been or may be commenced in any court of this state since the first day of August, 1851, whether the action or suit, or the court, at the time of such perpetuation, was or shall be embraced or not in the provisions of the code of practice.

That the following section be inserted after section 115 of the code:

§ —. The court may make the warning order in the cases mentioned therein, upon the requisite facts, according to the provisions of that section, being satisfactorily shown by the affidavit of other than the plaintiff, or his agent or attorney.

The section 606 of the code be repealed.

That sections 627 and 628 be so amended as to make the words "Title VII," in said sections, read "Title VIII."

That the following section be inserted after section 313 of the code:

§ —. The judge of the circuit court for any county may, if he deem it right and proper, by an order duly entered on the order book of said court, authorize the clerk of said court to grant injunctions and restraining orders, in the same manner and under like restrictions that the presiding judges of county courts may grant injunctions and restraining orders; but no such authority shall be conferred on any deputy of such clerk.

Be it further enacted, That the code of practice in civil actions, as amended by act, shall be printed under the supervision of the commissioners, with the amendments arranged in their appropriate places in the code, as shown by this act, and the sections regularly numbered according to such arrangement.

Be it further enacted, That where a section is referred to by its number in the body of the code, such number in the body of the code shall be changed to the number the section shall receive, in pursuance of the provisions of the last section.

Be it further enacted, That the code of practice in civil actions, as herein amended, shall regulate the procedure in all civil actions and proceedings in the courts of this commonwealth, and that all laws coming within the purview of its provisions shall be repealed: *Provided, however,* That actions and proceedings commenced before this act goes into effect shall not be affected by the provisions of this section.

Be it further enacted, That after this act goes into effect

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either party, at their discretion, may take depositions, according to the provisions of title 13, to be used as evidence in actions, suits, or proceedings which had been commenced before the first day of August, 1851, or which, though commenced since that time, were excepted from, or in a court not embraced by the provisions of the code.

Be it further enacted, That this act shall go into effect on the first day of July, 1854.

Approved February 25, 1854.

CHAPTER 277.

AN ACT to establish a levy and County Court for Jefferson County.

Levy court created and when to be held.

Its jurisdiction.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the levy court for Jefferson county shall be held on the first Monday in November of each year, and as often as the presiding judge shall deem proper to call them together. The county levy shall be made in said month, in each year, and all claims and demands against said county shall be presented and acted upon at the levy term and at no other time. The said levy court shall have the exclusive jurisdiction, control, and authority over—

1. The laying and superintending the collection and disbursement of the county levy.

2. The erection, superintending, keeping, and repairing of all needful public buildings and structures; and

3. The superintending and control of the fiscal affairs and property of the county, and to make provision for the poor of that part of the county, residing or found beyond the limits of the city of Louisville.

No appropriation of money except at levy court.

§ 2. No appropriation of money or charge upon said county shall be made at any term of the monthly court—the levy court shall alone have jurisdiction to act upon the matters in paragraphs 1, 2 and 3.

Who constitute the levy court.

§ 3. The presiding judge of the Jefferson county court and one justice of the peace from each justices' district in said county, shall compose the said levy court, the justices from each district taking the duty annually in rotation; and if they cannot agree which shall serve the first year after their election, the presiding judge shall determine it by lot. In case of a vacancy in the office of the justice of the peace whose year it is to serve, or if from any cause he cannot attend said levy court, the other justice from his district shall act in his place. A majority of the members of the court shall be a quorum necessary to a decision of any question, and a majority of a quorum necessary to determine a question before the court. If a quorum fails to attend, the presiding judge, or in case of his absence, any three members of the court may adjourn from time to time, and cause the absentees to be summoned, and

How their attendance enforced.

being summoned, and they still failing to attend, may cause attachments to issue to enforce the attendance of the delinquent members. The delinquent members may be fined by said court for non-attendance in any sum not exceeding twenty dollars for each day they fail to attend said levy court. If, from any cause, a quorum cannot be formed from the justices whose duty it is to attend said court in any year, the presiding judge, or any three members of the court, may cause the other justices from the district to be summoned, so that each district may be represented by one justice; or should any district, at the time of the levy term of said court be without a justice of the peace, then the justices of the adjoining district may be selected by the court, if necessary to form a quorum. If, from any cause, the presiding judge cannot attend the levy court, the justices present shall select a president *pro tempore*, who shall possess all the powers of said presiding judge in the proceedings of said levy court for the time being. Each justice of the peace shall be entitled to two dollars for every day he attends the said levy court, to be paid out of the county levy, but shall not be paid for more than six days in any one year. The said court shall have authority to make all necessary orders to carry into full force the powers vested in it by this act, and to enforce order in court during the session, by fine not exceeding twenty dollars or imprisonment not exceeding twenty-four hours. The said court may make any necessary rules and regulations for its proceedings, and to carry out its orders. All contracts directed by the said court shall be drawn by the county attorney, and approved by the court, and afterwards signed by the said presiding judge, returned to court, and recorded by the clerk of said court in a book to be provided and paid for out of the county levy. The said clerk shall regularly record, in a book to be provided in like manner, the proceedings of said court, and shall carefully note in said book the names of the members each day who attend said levy court, and also a statement of the levy and claims allowed, to whom allowed, and for what said allowances are made. The settled accounts of the sheriff or other collectors of the county revenue, and of all persons who have claims or demands against the county, or who have the means or funds of said county for collection or otherwise, shall be recorded in a book to be provided and paid for in like manner. The said books shall be part of the public records of said county. It shall be the duty of the presiding judge to see that said books and accounts are properly kept and the record made. The proceedings of each day's business of said court shall be read by the clerk of said court publicly, and corrected if necessary, and then signed by said presiding officer; and until read and signed, no order or copy shall be made therefrom by the clerk. Should there be an excess of means on hand, after paying the existing debts of said

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Delinquent members to be fined.

Proceedings in case there is no quorum.

President pro tem. may be elected.

Authority of the court.

Make rules.

Contracts to be recorded.

Duties of the clerk.

Settlements with sheriff, &c., to be recorded.

Excess after paying debts may be loaned out.

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County court, if necessary, may borrow money.

May compel settlement to be made.

And render judgments for any balance.

Appeals from judgments allowed.

No appeal of fine, &c.

Time of holding the terms of Jefferson county court.

Oath of presiding judge.

His powers.

Judge pro tempore may be elected.

county in any one year, such excess may be loaned out upon good surety at legal interest for no longer time than one year; or should the levy in any year be insufficient to meet the debts due at the time by the county, the court may borrow, for twelve months, a sum not exceeding one thousand dollars, and apply the same to such debts, but the sum borrowed and interest shall be provided for and paid out of the next county levy, and said court may increase the levy to raise the amount if necessary. No allowance, in trust for any pauper or for any other purpose, shall be made to the presiding judge, or any justice of the peace for said county, and the said court shall have power by rule and attachment, to compel a settlement of the collection of the revenue of said county, and of all trust funds placed by the order of said court in the hands of any person for paupers or other county purposes or objects. In all such cases the court may give judgment against any person or persons who fail to pay over and account for funds placed in his or their hands, upon a rule first served, to show cause why judgment should not be rendered, and may also fine and imprison the delinquent. But in all cases where the court causes such judgment to be entered, where the sum exceeds twenty dollars, an appeal or writ of error may be taken as in other cases to the court of appeals. In cases of fine and imprisonment for contempt, there shall be no appeal or writ of error from the judgment of said court. The said levy court shall have the power to fine or imprison any officer of the court for neglect of duty, malfeasance in office, or disorderly conduct in court, and may direct the duties of the county attorney in regard to the business of the court and county.

§ 4. That a county court for Jefferson county shall be held on the first Monday in every second month in the year, beginning with the first Monday in April 1854, and the presiding judge of said county shall be the sole judge thereof, who, before he enters on the duties of his office, in addition to the oath required by the constitution, shall take an oath to administer justice without respect to persons, to do equal right to the poor and the rich, and that he will faithfully and impartially discharge the duties of his office to the best of his skill and ability. He shall be a conservator of the peace, and have power to grant injunctions and attachments at law and in chancery from his own court, and in the absence from the city, or sickness of the judge of the Louisville chancery court, and in cases in which the chancellor cannot act, to grant injunctions and attachments from the Louisville chancery court. He shall have the power to hold inquests of lunacy and idiocy, and to grant and hear writs of habeas corpus in the absence from Louisville of the judges of the circuit or chancery court. If, from any cause, the judge of the court cannot sit in any case, the parties may select an attorney prac-

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doing in the court to act as judge in such case; and if, for any cause, the judge cannot hold court during any term, the attorneys of said court may elect a judge, *pro tempore*, as provided in such cases to elect judges in the circuit courts, and such judge, *pro tempore*, shall be entitled to five dollars per day for each day he may act, to be certified to the levy court and paid out of the next county levy for said county. The judge, *pro tempore*, shall possess all the powers and authority in court during the term he acts, that, by law, the presiding judge possesses.

Allowed \$5 per day.

§ 5. That the Code of Practice shall apply to all suits and proceedings in said county court, so far as it is plainly applicable.

Code of Practice to apply to proceedings.

§ 6. That this court shall have the exclusive jurisdiction of all appeals from justices of the peace, of all traverses under writs of forcible entry and detainer, of all writs of replevin and bonds given on distress warrants for rent, taken or sued out in said county, of all motions on bonds executed under proceedings by virtue of distress for rent, and shall have exclusive jurisdiction within said county of all motions, actions, questions, proceedings, and matters vested in county courts of this commonwealth, except those named in sections one and two of this act, and all the powers and authority vested by law in county courts shall be possessed by said court, to carry into effect and enforce the jurisdiction hereby given; said court shall, in all respects, be governed by the rules and regulations established by said laws for the government of said county courts, and shall perform all the duties and services required by law of county courts, except as aforesaid.

Jurisdiction of the court.

§ 7. That replevin bonds taken for rent within Jefferson county shall be returned to the clerk's office of said court, and proceeded upon as provided by law.

Replevin bonds for rent to be returned to county court.

§ 8. The said court shall appoint three examiners and three commissioners to act during the pleasure of the court. The examiners to take depositions to be read in said court and the commissioners to settle the accounts of personal representatives and other fiduciaries, to divide estates, allot dower, and perform such other services as the law requires and the court to exact. The examiners and commissioners, before entering upon the duties of their offices, shall be sworn in open court faithfully and impartially to discharge the duties of their offices; and the examiners shall be governed by the Code of Practice in the discharge of their duties. Either one of the commissioners shall have the right to settle the accounts of fiduciaries, and shall, in all other respects, be governed by the law as contained in an act, entitled, an act regulating the mode of settling the accounts of executors, administrators, and guardians, approved February 24, 1834, (Morehead & Brown's Digest, page 510,) except as to the com-

Examiners and commissioners to be appointed; their duties.

Act of 1834 revived.

1854.

pensation of said commissioners, or either of them, which shall be fixed and paid at the discretion of said judge. The said act of February 24, 1834, is hereby revived and declared to be in full force and operation as to this court, except so far as its provisions may be inconsistent with this act. And the said judge shall have the power, by attachment or other summary mode, to compel fiduciaries to settle their accounts. The judge of said court shall cause the clerk of the court to read, publicly, the minutes of each day's business of the court, before adjournment, and, if necessary, correct them and then sign the same. No proceedings of the court shall be valid until the same be so read and signed. The court shall have power to adjourn from day to day until it disposes of all the business, but no adjournment shall be to a time beyond the commencement of the next regular term of the court.

Further jurisdiction of said court.

All claims founded on tort or contract not less than \$50 nor more than \$100 may be prosecuted in said court. And in equity over \$16 and not exceeding \$100.

Tax on writ.

Proceedings in said court; how governed.

Times of the regular terms.

Proceedings therein.

No jury in cases under \$20

Six to compose the jury unless twelve are required.

Jury fee of \$2 if tried by six—\$4 if tried by twelve.

§ 9. The said court shall have original jurisdiction of ordinary civil actions, suits, motions, and proceedings, where the debt or damages sued for in virtue of any tort or contract shall exceed fifty dollars and not exceed one hundred dollars, exclusive of interest and costs; and, in equitable proceedings, concurrent with the Louisville chancery court, where the debt or damages sued for in virtue of any contract or tort shall exceed sixteen dollars and not exceed one hundred dollars, exclusive of interest and costs; and in all cases where the debt sued for or the damages claimed exceed fifty dollars, the plaintiff shall pay to the clerk of the court a tax of fifty cents, which shall be accounted for and paid into the treasury as other taxes are accounted for and paid into the treasury, and taxed as cost against the defendant, if judgment be rendered against him in said suit.

§ 10. That said court shall be governed, in the exercise of the jurisdiction given in this act, by the law governing the circuit courts, and shall conform to the rules, regulations, and practice governing circuit courts, except where the same would be plainly inapplicable to its peculiar structure. The regular terms of said court shall begin on the first Monday in April, and every second month thereafter, and end the Saturday next preceding the first Monday of every such second month. All suits and motions, whether ordinary or equitable, appeal or traverse, where the process, summons, or notice has been executed five days before the first day of the term, shall be triable at that term. The business of said court shall be arranged on the docket and conducted in all respects as required by law in circuit courts, except that in the trials of appeals under twenty dollars, exclusive of interest and costs, no jury shall be allowed, and except also that a trial shall be had by a jury of six jurors, unless one of the parties demands a jury of twelve jurors. For a verdict by a jury of six, a jury fee of two dollars shall be charged; and for

a verdict by a jury of twelve, a jury fee of four dollars shall be charged. The said judge may, by a rule of court, limit to one hour the duration of any oral argument before the court or jury, by either party or his attorney; which rule shall not be revoked or suspended for the purpose of any particular case, unless so done before the argument was commenced. The judge may hold the court at any time to transact its ordinary business. Instead of a continuance to the next term, the judge may, in any case, adjourn its trial to a future day in the same term. Jurors in said court shall be selected and summoned in the mode jurors are selected and summoned in the circuit court, and they shall be paid by the litigants, and the fees herein allowed as jury fees taxed in the costs against the unsuccessful party, and collected and paid over to the clerk of said court; and all such fees as may be collected and paid over to said clerk shall be by him kept as a jury fund, and the same shall be paid out by him, *pro rata*, to the jurors; and the jury law shall, in all other respects, apply to the said county court, except the summoning of a grand jury. Executions may issue in five days after the rendition of a judgment or decree, unless replevied before that time in the office before the clerk, or stayed by appeal or supersedeas. Appeals and writs of error from said levy and second monthly courts shall be direct to the court of appeals, except where an appeal or writ of error is by law expressly allowed to the circuit court. No appeal or writ of error shall be allowed from either of said courts, except where the matter in controversy is over twenty dollars exclusive of costs. The said judge shall not practice law while holding the office; and he shall receive an annual salary of sixteen hundred dollars, payable quarterly—the city of Louisville to pay eleven hundred dollars of the amount, and the other five hundred dollars to be paid by the county of Jefferson out of the county levy.

§ 11. All acts or laws, so far as they conflict with the foregoing provisions of this act, are hereby repealed, so far as they extend to the courts hereby established, and the powers herein conferred.

Approved February 25, 1854.

CHAPTER 290.

AN ACT providing for the trial of civil cases in the county of Jefferson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the first ten days of each civil or common law term of the Jefferson circuit court, or so much thereof as shall be necessary, shall be set apart by the judge thereof for the trial and adjudication of cases originating between citizens of Jefferson county, and where the defendant or defendants reside in said county.

Approved February 25, 1854.

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Arguments may be limited to one hour.

Mode of compensating jurors

Appeals may be taken to the court of appeals except in certain cases.

No appeal in cases under \$20.

Judge shall not practice law.

Salary of judge \$1,000, and how paid.

First ten days of the court set apart for the trial of cases between citizens of Jefferson county.

1854.

CHAPTER 304.

AN ACT declaring Lick Creek, in Morgan county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Lick creek, in Morgan county, be and the same is hereby declared a navigable stream, from its mouth to the Buffalo Fork.

Approved February 25, 1854.

CHAPTER 305.

AN ACT to change the time of holding the County Court of Gallatin County.

Time of holding county court changed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act the county court of Gallatin county shall be held on the third Monday in each and every month instead of the second Monday, as heretofore provided.

Approved February 25, 1854.

CHAPTER 307.

AN ACT to create a special Chancery and Criminal term of the Large Circuit Court.

Special chancery term to be held annually.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act there shall be held at the court house in Hodgenville, on the fourth Monday of July in each year, a special chancery and criminal term of the Large circuit court, to continue six judicial days.

Approved February 25, 1854.

CHAPTER 309.

AN ACT to regulate the time of holding certain Criminal and Chancery terms in the Fifth Judicial District.

Times for holding special terms in Adair and Green changed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the terms for the trial of chancery and criminal cases, in the counties of Adair and Green, in the fifth judicial district, are hereby so changed, that hereafter said term for the county of Adair shall commence on the second Monday in June, and the said term for the county of Green shall commence on the third Monday in June, instead of the times now provided by law for holding the criminal and chancery terms in said counties.

Approved February 25, 1854.

CHAPTER 331.

1854.

AN ACT declaring Durbin's Creek a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Durbin's creek, in Lawrence county, be and the same is hereby declared a navigable stream from its mouth to C. Carter's on said creek: *Provided, however,* that the Lawrence county court shall have power to provide for the construction of mills and dams, or bridges, in or across said creek.

Approved March 1, 1854.

CHAPTER 342.

AN ACT to aid in the erection of a Monument over the Grave of Henry Clay.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sum of ten thousand dollars, be and the same is hereby appropriated to the Clay Monument Association, out of any money in the treasury not otherwise appropriated, to aid in the erection of a suitable monument over the grave of Henry Clay.

\$10,000 appropriated to the Clay monument association.

§ 2. *Be it further enacted,* That the governor is hereby directed to make his requisition upon the auditor, who shall draw his warrant on the treasurer for the payment of the above sum to the treasurer of said association, upon its being made to appear to the governor that a contract has been made for the completion of the monument, and that work has been done on such contract of the value of the sum hereby appropriated; and that the treasurer of said association has given bond, with good security, for a faithful application of the money to the erection of said monument.

Approved March 1, 1854.

CHAPTER 366.

AN ACT to change and regulate the times of holding the Circuit Courts in the Eleventh Judicial District.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the circuit courts in the eleventh judicial district shall hereafter be held as follows, viz:

The Fayette circuit court on the first Monday in February, and continue twenty-four juridical days; on the second Monday in August, and continue eighteen juridical days. There shall also be a special term of said court held on the 2d Monday in June, for the trial of chancery, criminal and penal causes, to continue twelve juridical days.

Fayette.

The Jessamine circuit court on the first Mondays of Jessamine.

1854.

March and September, and continue twelve juridical days at each term.

Madison.

The Madison circuit court on the third Mondays of March and September, and continue twelve juridical days at each term.

Woodford.

The Woodford circuit court on the first Mondays of April and October, and continue twelve juridical days at each term.

Estill.

The Estill circuit court on the third Mondays of April and October, and continue six juridical days at each term.

Clarke.

The Clarke circuit court on the 4th Mondays of April and October, and continue twelve juridical days at each term. There shall also be a term of said court, commencing on the second Monday of July, for the trial of chancery, criminal, and penal causes, to continue six juridical days.

Franklin.

The Franklin circuit court on the third Mondays of May and fourth Mondays of November, and continue eighteen juridical days at each term.

When process
returnable.

§ 2. That all process issued, and all recognizances taken, made returnable to the terms of said courts which are changed by this act, shall stand returnable to the terms as fixed by this act, in the same manner as though the same were issued and taken returnable to the terms as herein fixed and regulated.

Act to take of
sect. 1st June,
1854.

§ 3. That all acts, or parts of acts, coming within the purview of this act, are hereby repealed; and this act shall take effect and be in force from and after the first day of June next.

Approved March 1, 1854.

CHAPTER 372.

AN ACT to authorize County Surveyors to qualify Commissioners.

Surveyor may
administer oath
to commission-
ers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That when a county surveyor, or his deputy, shall be appointed by any of the courts of this commonwealth a commissioner, in conjunction with others, to divide lands between joint owners, or to lay off to a widow her dower in lands, he shall have power to administer the oaths required by law to be administered, to the other commissioners. And it shall not be necessary for said surveyor to take any oath to discharge his duty as commissioner, other than his official oath as surveyor.

Approved March 1, 1854.

CHAPTER 380.

1854,

AN ACT to change the time of holding the Clinton Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act the terms of the Clinton circuit court shall commence on the Mondays next succeeding the fourth Mondays in May and November, and shall continue six juridical days at each term, if the business of the court requires it.

Time of holding Clinton circuit court.

Approved March 1, 1854.

CHAPTER 394.

AN ACT to change the lines between Estill and Owsley counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the line between Owsley and Estill counties be and the same is hereby so changed as to include all that part of the present territory of Owsley county lying northwest of a straight line, commencing at what is called the Standing Rock on the dividing ridge, near the present Powell and Owsley county lines, to the mouth of the Big Willow Shoal branch, on the Kentucky river, within the county of Estill; and all the qualified voters residing in said boundary shall be and they are hereby attached to District No. 5, in said county.

Line between Owsley and Estill changed.

Approved March 1, 1854.

CHAPTER 437.

AN ACT to allow two additional terms of the Barren County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, regular terms of the Barren county court shall be held on the third Mondays in March and September in each year, and may continue in session so long as the business of the court may require. This act shall take effect from its passage.

Times of holding county courts.

Approved March 1, 1854.

CHAPTER 439.

AN ACT laying off the State into Congressional Districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the first congressional district shall be composed of the counties of Fulton, Hickman, Ballard, McCracken, Livingston, Graves, Calloway, Marshall, Caldwell, Lyon, Trigg, Union, Crittenden, and Hopkins.

First.

The second district of the counties of Christian, Henderson, Daviess, Muhlenburg, McLean, Ohio, Hancock, Breckinridge, Butler, and Grayson.

Second.

1854.**Third.**

The third district of the counties of Todd, Logan, Simpson, Warren, Edmonson, Barren, Hart, Monroe, and Allen.

Fourth.

The fourth district of the counties of Cumberland, Clinton, Wayne, Russell, Pulaski, Lincoln, Boyle, Taylor, Green, Adair, and Casey.

Fifth.

The fifth district of the counties of Meade, Hardin, Bullitt, Larue, Marion, Washington, Nelson, Mercer, Anderson, and Spencer.

Sixth.

The sixth district of the counties of Garrard, Madison, Rockcastle, Laurel, Knox, Estill, Owsley, Clay, Perry, Pike, Letcher, Whitley, Harlan, Floyd, Johnson, and Breathitt.

Seventh.

The seventh district of the counties of Jefferson and city of Louisville, Shelby, Henry, and Oldham.

Eighth.

The eighth district of the counties of Bourbon, Fayette, Jessamine, Woodford, Scott, Franklin, Harrison, and Nicholas.

Ninth.

The ninth district of the counties of Mason, Lewis, Greenup, Lawrence, Carter, Morgan, Montgomery, Clarke, Bath, Fleming, and Powell.

Tenth.

The tenth district of the counties of Trimble, Carroll, Owen, Gallatin, Grant, Boone, Kenton, Campbell, Pendleton, and Bracken.

Passed, February 24, 1854, the objections of the Governor to the contrary notwithstanding.

CHAPTER 440.

AN ACT to provide for printing and distributing the Codes of Practice.

Commissioners to prepare forms of process, &c., in criminal cases, and revise those in civil cases.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the commissioners of the Code of Practice be directed to prepare suitable forms for the process, bonds, recognizances, orders, and pleadings, according to the provisions of the Code of Practice in criminal cases, and revise the forms applicable to the Code of Practice in civil actions, and prepare such additional forms as may be proper; and, also, prepare an index to each of the Codes.

3,000 copies of codes to be printed and distributed.

§ 2. That the public printer be ordered to print for the use of the State of Kentucky three thousand copies of the two Codes of Practice, with the forms and indexes prepared as ordered in the first section, and cause the same to be bound in one volume, in a similar manner with the Revised Statutes.

Who entitled. Rev. Stat., 453.

§ 3. That each of the Senators and members of the present General Assembly, and the Clerks and Assistant Clerks of the Senate and House of Representatives, in addition to the officers named in section 13 of chapter 61 of the Revised Statutes; shall be entitled to one copy of the Codes of Practice.

Approved March 2, 1854.

CHAPTER 441.

1854.

AN ACT allowing additional salary to the clerks in the Land Office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That two hundred dollars in addition to the present salary, be, and is hereby appropriated, annually, to each of the clerks in the land office, and that the same be paid quarterly out of any money in the treasury not otherwise appropriated.

Salary of clerks in land office increased.

Present salary \$600 and \$500. Rev. Stat., 500

Approved March 2, 1854.

CHAPTER 448.

AN ACT changing the time of holding the Spring Term of the Caldwell Circuit Court, and the Fall Term of the Trigg Circuit Court.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the spring term of the Caldwell circuit court shall, after the present year, commence on the 3d Monday in March in each year, and continue twelve juridical days if the business requires.

Time of holding Spring term of Caldwell circuit court.

§ 2. That the fall term of the Trigg circuit court shall hereafter commence on the 3d Monday in August in each year, and continue twelve juridical days if the business requires: *Provided,* when there are five Mondays in the month, it may continue eighteen juridical days if the business requires.

Time of holding Fall term of Trigg c't. court.

Approved March 3, 1854.

CHAPTER 459.

AN ACT to authorize the Fayette circuit court to extend its present February term.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Fayette circuit court shall be authorized to extend its present February term to the 15th day of March, 1854; but may take a recess of such extension for the purpose of holding the Woodford circuit court. This act shall go into effect from its passage.

Approved March 3, 1854.

CHAPTER 462.

AN ACT to inclose the public square in the town of Frankfort.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the governor and secretary of state are hereby appointed commissioners, and are authorized to advertise in such papers as they may deem necessary, for sealed proposals, with plans, for inclosing the public square in the town of Frankfort with a good and

Governor to contract for inclosing capitol square.

LAWS OF KENTUCKY.

1854.

Not to cost more than \$8000

When completed to pay for same.

substantial iron fence; and they are further authorized to make the necessary contracts and take bond and security for the completion of the same: *Provided*, that no contract shall be made, or any plan adopted, that will, in the aggregate, ever cost more than eight thousand dollars.

§ 2. That whenever said fence may be completed according to the contract made by said commissioners, the governor is hereby authorized to draw his order and direct the auditor of public accounts to issue his warrant for the amount of the same, on the treasurer, who shall pay said warrant out of any money in the treasury not otherwise appropriated.

Approved March 8, 1854.

CHAPTER 471.

AN ACT supplemental to the act establishing the county of Lyon.

Attached to 2d judicial district, and terms of circuit court fixed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county of Lyon be, and the same is hereby, attached to the second judicial district; and the judge of said district is required to hold courts therein on the first Monday of September next, and thereafter, on the second Monday of March and first Monday of September, in each year. The terms of said court shall be six juridical days at each, if the business requires it.

Suits in Caldwell between parties in Lyon may be removed, and how.

§ 2. It shall be lawful for parties residing in the county of Lyon, who have suits now pending in the Caldwell circuit court, or which may be brought to the present spring term thereof, to remove the same, as hereinafter provided, for trial to the circuit court of Lyon: *Provided*, both parties, or the parties in interest in such suit or suits, assent to such removal; or upon application therefor to the judge of said court, by either of said parties, notice having been served upon the other party at least ten days before the sitting of said court, it shall be lawful for the judge thereof to direct the clerk of the Caldwell circuit court to deliver the papers filed in said suit or suits, together with a copy of the proceedings had in the cause or causes, to the clerk of the Lyon circuit court, taking his receipt therefor: *Provided further*, that the convenience of said parties in the trial of said suits will, in the opinion of the court, be promoted by said removal. Said suit or suits shall progress to trial and final judgment, and satisfaction, as if originally instituted in the circuit court of Lyon county.

Assessor of Caldwell to assess for part included in Lyon, and make return to Lyon county court.

§ 3. That it shall be the duty of the assessor of tax for the county of Caldwell, to proceed and assess the property for the county of Lyon in the same manner he would have done if said county had never been established, except that he shall keep a separate list of all persons and property assessed for said county of Lyon, and shall make

1854.

return thereof to the clerk of the Lyon county court, in the same manner that assessors are now by law required to return their lists; and said clerk shall, in reference thereto, be governed by the existing laws of this state.

§ 4. That said assessor shall, for his services in listing the property for taxation in said county of Lyon, receive compensation at the same rate, per list, as allowed by law to assessors of tax in other counties.

Pay of assessor.

§ 5. The county revenue collected under this act for the county of Lyon, shall be appropriated, as far as may be necessary, to the payment of those debts incurred by the county of Caldwell for appropriations to objects within the territory now composing the county of Lyon; and in order thereto it is hereby made the duty of the clerk of the county court of Lyon, as soon after his election and qualification as convenient, to procure from the clerk of the Caldwell county court, a copy of the record making said appropriations, which shall be submitted to the approval of the county judge of Lyon county; and if by him approved, shall be recorded on the books of the county court of Lyon county, and be as binding on the county court of Lyon county as if originally made therein.

Revenue collected in Lyon to be appropriated, and how.

§ 6. The time of holding the county court of Lyon county is hereby changed to the fourth Mondays in each month in which the circuit court is not held; and the quarterly courts of the presiding judge of said county to the second Mondays of the months in which they are now directed to be held.

Time of holding county court fixed.

§ 7. The proviso to the fourth section of the act establishing the county of Lyon, and the provision in said act for the election of a county assessor for said county, on the first Monday in April next, together with all parts of said act not consistent herewith, are hereby repealed; and the election of said assessor shall be held on the first Monday in August next. He shall in all things be governed by the laws now in force in reference to assessors in this state.

Proviso to act establishing and provision for appointing assessor repealed.

Assessor, when to be elected.

§ 8. It shall be lawful for all persons, through whose plantations the line separating the county of Lyon from the county of Caldwell may pass, to make election in which of said counties they will claim their residence; and when said election is made, shall, upon proof thereof, have the same entered upon record in the clerk's office of the Caldwell county court, paying a reasonable fee therefor, and thenceforth they shall be considered citizens of their election: *Provided*, that the time for choosing shall not be extended beyond the first day of April next.

Persons may elect in which county they will claim residence when line runs through farms.

§ 9. That the starting point in the line dividing the counties of Lyon and Caldwell be changed as follows: beginning at the point where the road leading from Princeton to Cadiz crosses the Trigg county line.

Place of beginning dividing line changed.

§ 10. This act shall take effect from its passage.

When to take effect.

Approved March 4, 1854.

1854.

CHAPTER 475.

AN ACT to provide for a settlement with the present Keeper of the Penitentiary.

Commissioners
to be appointed
to value articles

To take an oath.

Return to be
made to com-
missioners sink-
ing fund, and
they to settle
with keeper.

Debts to be
provided for.

Inventory to
be made of ma-
chinery, &c.

Commissioners
may be appoint-
ed 1st March,
1855.

Commissioners
of sinking fund
to make thor-
ough investiga-
tion and correct
mistakes if any.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the purpose of making a final settlement with the present keeper of the penitentiary, up to the first day of March 1855, when the time for which he was appointed expires, the raw materials, stock, and manufactured articles; on hand, shall be valued by three discreet and disinterested persons, who shall be practical mechanics, to be selected by the commissioners of the sinking fund, at or before the expiration of said keeper's term of office. Said valuers, so selected, shall, before they enter upon the duties of their appointment, take an oath, before some justice of the peace of this commonwealth, to faithful and impartially, and to the best of their skill and ability, value said property at a fair wholesale cash value, and annex the value to each article thereof, and return the same to the commissioners of the sinking fund, to be by them preserved. And said valuers shall make a complete inventory of the tools and implements of trade in the penitentiary, and annex the value of each article. And it shall be the duty of the commissioners of the sinking fund, and they are hereby authorized, to settle with the present keeper, and divide the raw materials, stock and manufactured articles, tools, implements of trade, debts, effects, and any other articles in which the commonwealth and said keeper are jointly interested, in such manner as, first, to provide for the payment of the debts of said penitentiary; and, secondly, for a fair division of the net profits between the commonwealth and the said keeper, in accordance with the law under which he became keeper, and the several acts passed since that time in relation to the penitentiary; and said valuers shall, also, make an inventory of the machinery then on hand belonging to the commonwealth, and annex the value to each article, with the view of being handed over to the next keeper. And if there should be any surplus of manufactured articles and raw materials, the commissioners of the sinking fund are hereby authorized and directed to sell the same, and pay the proceeds into the treasury to the credit of the sinking fund. The commissioners of the sinking fund may appoint the valuers at any time before the expiration of the present keeper's term, not exceeding twenty days, and notify the keeper elect of the day the valuers will enter on the discharge of the duties of their appointment.

§ 2. That the commissioners of the sinking fund shall make a thorough investigation and settlement of all accounts and business which the state and present keeper of the penitentiary are interested in, or may have been interested in, as partners in the institution; and they shall examine into the settlements heretofore made by the commission-

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ers of the sinking fund with the present keeper of the penitentiary, and ascertain whether or not there were mistakes made in some of the former settlements; and should they find any mistakes in any of the settlements heretofore made with the present keeper they shall correct such mistakes or mistake, and report the same to the auditor of public accounts.

Approved March 6, 1854.

CHAPTER 478.

AN ACT to authorize the county court of Warren to receive the Craddock fund.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the Warren county court, a majority of the justices of the peace of said court concurring herein, to contract with the trustee of the Craddock Fund for the permanent use of the whole or any part of said fund, and shall have full power to levy the sum necessary to pay the interest agreed to be paid, upon the tithables of said county. *Provided*, that the interest agreed to be paid shall not exceed the conventional interest allowed by law at anytime hereafter; *and provided also*, that the interest to be paid shall be expended in the education of the poor children domiciled within said county of Warren, in such manner as the trustee of said fund and the said court may agree upon.

Warren county court may receive Craddock fund and pay interest thereon.

Interest to be expended in the education of poor children.

§ 2. That said county court may apply the money obtained from the trustee of said fund under the preceding section of this act, or any part thereof, in purchasing the bridge erected across Big Barren river in the county of Warren; and in case the money so obtained shall not be sufficient to pay the sum agreed to be paid for said bridge, said court may levy the deficiency on the tithables of said county. Should said court purchase said bridge, they may make it a free bridge or not, at their discretion, for the citizens of Warren county. If said court shall decide against using the money obtained from said trustee in purchasing said bridge, then the said court shall have power to apply the money so obtained to any county purposes for which they are now, or may at any time hereafter, be authorized to levy taxes on the tithables or taxable property of said county.

May use the same in purchasing a bridge.

§ 3. This act shall take effect from its passage.

Approved March 6, 1854.

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CHAPTER 490.

AN ACT authorizing the city court of Louisville to try cases of idiocy and lunacy.

City court of Louisville may try cases of idiocy and lunacy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the city court of Louisville shall have concurrent jurisdiction with the Jefferson circuit court, in trials of idiocy and lunacy: *Provided*, that said city court shall have no power to appoint a committee to take care of the estate of any idiot or lunatic, but the power to appoint the same shall remain as heretofore.

Approved March 6, 1854.

CHAPTER 497.

AN ACT to exempt mechanics' tools from sale under execution.

Not exceeding \$100 in value exempt to bona fide house-keepers. One work beast only exempted where exemption of tools is claimed.

As to other articles exempted from execution, see title Executions, article 14, sec. 1, Revised Statutes, 325-6; and title Decent and Distribution, chap 30, 5th sub-section of sec. 11, Rev. Stat., 281.

Tools to be valued, how and by whom.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the tools, not exceeding one hundred dollars in value, of any mechanic, who is a *bona fide* housekeeper, shall be and the same are hereby declared exempt from levy and sale under execution, attachment, distress for rent, or fee bills; *Provided*, that one work beast only shall be exempt, where a mechanic claims the exemption of his tools, as herein provided for: *Provided further*, that this act shall not affect any contract, debt or liability heretofore contracted or incurred; nor shall it exempt said property from the payment of the revenue tax or county levy.

§ 2. That it shall be the duty of the sheriff or other officer, levying any execution or other process such as is named in the first section of this act, upon the character of property therein mentioned, before he proceeds to sell the same, to select two discreet, disinterested housekeepers of his county, who shall be sworn by the officer, to value and set apart to the mechanic, one hundred dollars in value of such tools as he may have, to be selected by the debtor; and should there not be a sufficiency of tools to amount (in value) to that sum, then all he has shall be set apart to said mechanic; and the sheriff or other officer shall return a list of the property so set apart with the execution or other process, to the office from which the same issued.

§ 3. That this act shall take effect and be in force from its passage.

When to take effect.

Approved March 6, 1854.

CHAPTER 498.

AN ACT to prevent the pernicious practice of betting on elections.

Penalty for betting on elections, and how recovered.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That if any person or persons shall wager or bet any sum of money, or any thing else of value,

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upon any election under the constitution and laws of this commonwealth, or the constitution and laws of the United States, he or they so offending shall forfeit and pay the sum of one hundred dollars each, to be recovered by indictment in the circuit court of the county where the bet is made, or in any county where the party so offending, or any of them, may be found; and, in addition to the fine aforesaid, if the person winning shall receive the sum of money or other thing so bet, or its value, or anything therefor, the sum of money so received, or the value of anything else so received, shall be forfeited to the commonwealth, and may be recovered by any appropriate action in the name of the commonwealth, before the circuit court, or the presiding judge of the county court, wherever the offending parties, or any of them, may be found.

§ 2. That the fines arising under this act, or amount of the value of any property or money, or other thing of value, recovered as aforesaid, shall go, the two-thirds thereof to the use of the common school fund of this state, and the remaining one-third to the use of the attorney for the commonwealth, or attorney for the county where they or either of them shall procure a conviction of the offender under this act.

Fines, how applied.

§ 3. That immediately after the fall or last term of the circuit court, in every year, it shall be the duty of each circuit court clerk, or county judge, to make out and transmit to the auditor of public accounts a statement, showing the amount of each fine or judgment recovered under this act, and against whom it is; and for the portion of said sums due to the school fund the sheriff shall settle with and account to the auditor, in the same manner and under the like penalties now provided by law for the collection of the public revenue, which sums shall be placed by the auditor to the credit of the school fund.

Statement of fines to be reported to auditor.

§ 4. That should the sheriff be unable; by reason of the insolvency or removal of any one more of those against whom said fines, &c., have been assessed, to make the money, he shall receive a credit therefor with the auditor, upon his producing the certificate of the circuit court clerk that due diligence has been used by the sheriff, and that the process which issued against said offenders have been returned not made. The returns of insolvents thus provided for shall be made to the auditor at or before the time the sheriffs are now required to pay in the public revenue.

Sheriff to receive credit for fines not collected.

Approved March 6, 1854.

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CHAPTER 501.

AN AOT supplemental to an act concerning the Louisville Chancery Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled an act concerning the Louisville chancery court, passed at the present session of the General Assembly, shall be in force from and after the passage of this act.

Approved March 6, 1854.

CHAPTER 508.

AN AOT allowing additional property to widows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That where there shall be infant children of the intestate residing with his widow, that in addition to the property now allowed by law to widows, there shall be one work horse, five head of sheep, one cooking stove and appendages, and other cooking utensils, not exceeding twenty five dollars in value, set apart by the appraisers of the estate of the intestate, which shall vest in the widow for the use and benefit of herself and such infant children.

Approved March 6, 1854.

Additional property set apart to widows.

See art. 30, 5th sub-sec. of sec. 11, title Descent and Distribution, Rev. Stat., 281, for list of articles exempted from execution.

CHAPTER 509.

AN AOT to amend the 3d section of article 2, chapter 32, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That section 3d of article 2, title "Precincts, &c." chapter 32d; title "Elections," of the Revised Statutes, be and the same is hereby so amended as to authorize the county court any time sixty days before an election, to change the lines of any election precinct, so as to transfer any voter or voters from one precinct to another, upon the petition of the voter or voters so changed, if it shall seem right and proper to the court.

Approved March 6, 1854.

County courts may change lines of election precincts.
Rev Stat., 284.

CHAPTER 539.

AN AOT declaring Wolf creek, in Meade county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Wolf creek, in Meade county, be and the same is hereby declared a navigable stream from its mouth to a point six miles above; and that whoever shall

Wolf creek navigable.

obstruct the navigation of the same, within the distance aforesaid, shall be liable in damages, to be recovered in the Meade circuit court, to the party aggrieved thereby.

Approved March 6, 1854.

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CHAPTER 540.

AN ACT to require the Secretary of State to furnish public books to the counties of Lyon and McLean.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State be and he is hereby directed to furnish to the counties of Lyon and McLean, or the officers thereof, all the public books and statutes that are now directed by law to be furnished to the public officers of this commonwealth.

Lyon and McLean counties to be furnished with books.

Approved March 6, 1854.

CHAPTER 541.

AN ACT to provide for a Geological and Mineralogical Survey of the State.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the governor is hereby authorized and required, as soon as may be after the passage of this act, to appoint a state geologist, who shall be a person of competent scientific and practical knowledge of the sciences of geology and mineralogy, and the said state geologist shall, by and with the consent of the governor, appoint two suitable persons to assist him in the discharge of his duties, one of whom shall be a competent and skillful chemist.

State geologist to be appointed by the governor.

§ 2. That it shall be the duty of the said state geologist and his assistants, as soon as may be practicable after his said appointment, to commence and carry on, with as much expedition and dispatch as may be consistent with minuteness and accuracy, a thorough geological, mineralogical, and chemical survey of this state, with a view to determine the order, succession, arrangement, relative position, and comparative magnitude of the several strata or geological formations of this state, and to discover and examine all beds or deposits of ore, coal, and such other mineral substances as may be useful or valuable, and to analyze the same; and to perform such other duties as may be necessary to make a full and complete geological, mineralogical, and chemical survey of this state.

Duty of geologist.

§ 3. That it shall be the duty of the said state geologist and his assistants to make full and complete examinations, assays, and analyses of all such rocks, ores, or other substances, as may be submitted to them for that purpose, and to furnish, if required, a detailed and complete account of the results so obtained; and at the court house of each

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Shall deliver an address at court house of county where discoveries are made.

To visit each county in the state.

To report on or before 1st December of each year.

Specimens of minerals to be forwarded to the governor, who shall cause the same to be preserved for public inspection.

\$10,000 appropriated.

Geologist to receive \$7 and assistants \$5 for each day in actual service.

Governor may remove appointees and appoint others.

Geologist and assistants to be sworn.

Not to engage in speculation.

county in this state in which he shall discover valuable mineral deposits the said geologist shall deliver either a written or verbal discourse upon their examinations, assays, and analyses of all such rocks, and ores, within such county; and said geologist or his assistants shall deposit at the clerk's office of such county in which he shall discover minerals, such specimens as he shall deem of value, for the inspection of the citizens and visitors of said county.

§ 4. That it shall be the duty of the said geologist and his assistants to visit and make such exploration of each county in this state, beginning with the mineral regions, as will be sufficient to satisfy him whether it contains valuable mineral deposits, and the extent, nature and value thereof.

§ 5. That it shall be the duty of said geologist and his assistants, on or before the first day of December in each and every year, to make a report of the progress of said survey, accompanied with such maps, drawings, and specimens, as may be necessary and proper to exemplify and elucidate the same, to the governor, who shall lay such report before the general assembly.

§ 6. That it shall be the duty of the said geologist and his assistants to forward to the governor, from time to time, during the progress of said survey, such specimens of rocks, ores, coals, and other mineral substances or useful matters discovered and examined, as may be proper and necessary to form a complete cabinet of the specimens of geology, mineralogy, and other useful matters of the state; and the governor shall cause the same to be deposited in proper order in some convenient room in the state capitol, there to be preserved for public inspection.

§ 7. That for the purpose of carrying into effect the provisions of this act, the sum of ten thousand dollars be, and the same is hereby appropriated, to be expended under the direction of the governor: *Provided, however*, the principal geologist shall not receive more than seven dollars per day, nor the assistants more than five dollars per day each, for the time they are in actual service: *And, provided further*, that the appropriation herein made shall only be used so far as the governor may find, on investigation, necessary to obtain the services of a competent geologist and assistants during that part of the year when such geologist can be profitably employed in the prosecution of such survey.

§ 8. The governor shall have power to remove any of the persons appointed under this act for negligence or incompetency, or any other cause which he may deem sufficient for such removal, and appoint others in their stead.

§ 9. The principal geologist and each of his assistants, before entering upon the duties of their offices, shall take an oath faithfully to perform all the services required of them under this act, and to abstain from all pecuniary

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speculations, for themselves or others, in the objects of their survey during their progress; and that they will not conceal any valuable discovery or information, from the owner or owners of the land on which such discovery is made, but will in all things so conduct the survey, &c., as will (if practicable to do so) duly notify, the community generally and especially the owner or owners of the land on which all such valuable discoveries are made.

Approved March 6, 1854

CHAPTER 549.

AN ACT changing the line between Bath and Powell counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the dividing line between the counties of Powell and Bath shall run as follows: Beginning in the line between Bath and Powell counties, where it crosses the dividing ridge between Slate and Beaver creeks; thence along said dividing ridge until it intersects the dividing ridge between Beaver and Indian creeks; thence along said last named dividing ridge to the old state road leading from Mount Sterling in the direction to Prestonsburg, at what is called Flower Hill Coal Bank; thence along said old state road in an eastwardly direction to the head of the state road fork of Beaver creek; thence a straight line to the upper end of the Conner ridge, which is a spur of the Tar ridge; thence down the Conner ridge, including all the farming land thereon in Powell county, to the end of the ridge and to Main Glady creek; thence up Main Glady creek to that fork of said creek on which John E. Latham lives; thence up said fork to the line of Bath and Powell counties.

Dividing line between Powell and Bath counties.

Approved March 6, 1854.

CHAPTER 554.

AN ACT changing the line between Bath and Morgan and Powell and Morgan counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the dividing line between the counties of Bath and Morgan, and Powell and Morgan counties, shall run as follows: Beginning in the line between the counties of Bath and Morgan, where the county road leading from Beaver Furnace to West Liberty crosses said line, east of John Yocum's; thence with said line westwardly, following the dividing ridge between the waters of Glady and Beaver creeks to the state road leading from Mount Sterling to Prestonsburg, east of John E. Latham's house; thence across said road to that fork of Glady creek on which said

Line between Morgan, Bath, and Powell counties changed.

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Latham lives, and down said fork to its junction with Main Glady creek; thence across Main Glady to the top of the cliff on the east side of it, and up that point to the dividing ridge between Glady and Copperas creeks; thence eastward with that dividing ridge to the dividing ridge between Copperas and Clifty creeks; thence with said dividing ridge to the Morgan county line.

Approved March 6, 1854.

CHAPTER 560.

AN ACT to prevent the destruction of fish in Salt river.

Preamble.

WHEREAS, it is represented to the present General Assembly that many persons are in the habit of seining in Salt river, below mill dams, in the spring of the year, in the months of April and May, and also of grabbling and catching fish in said stream with their hands, under rocks, in the months of May, June, and July, and thereby destroying the fish in said stream. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall not be lawful for any person or persons to seine in Salt river, within one half mile of any mill dam, or other dam on said stream, during the months of April or May in any year; nor shall any person or persons grabble or catch fish in said stream, with their hands under rocks, in the months of May, June, or July, in any year, when spawning. And any person or persons violating this act shall be fined the sum of ten dollars for each offense; said fine to be recovered by a warrant before any justice of the peace in the county where the offense may be committed, and the fines to be appropriated to common school purposes, in the county where they may be collected.

Unlawful to seine in Salt river within half a mile of a mill or other dam in April or May.

Or grabble or catch fish, with the hands under rocks, in May, June, or July, when fish are spawning.

Penalty \$10 for each offense.

See art. 25, sec. 3 and 4, title Crimes and Punishments, Rev. Stat., 275.

Approved March 6, 1854.

CHAPTER 562.

AN ACT for the benefit of the Common School System.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the sheriffs and other officers conducting the next annual election, to be held on the first Monday in August next, to open a poll in the various precincts in their respective counties, and take the sense of the qualified voters of this commonwealth upon the propriety and expediency of imposing an additional tax of three cents on each one hundred dollars worth of property in the state, for the purpose of increasing the common school fund of Kentucky.

Vote to be taken on proposition to increase tax three cents.

§ 2. That it shall be the duty of the several sheriffs con-

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Question to be propounded to voters.

Lists of votes to be delivered to secretary of state.

Secretary to report to general assembly.

This act to be printed and 15 copies sent to each clerk of county courts.

Penalty for illegal voting.

ducting said election, to propound distinctly to each voter the question: "Are you for or against levying an additional tax of three cents on each one hundred dollars worth of property, to increase the common school fund?" If said voter shall answer in the affirmative it shall be the duty of the clerk of the election to record his vote in favor of levying the tax for the purposes aforesaid; if he shall answer in the negative it shall be the duty of said clerk to record his vote against it.

§ 3. That it shall be the duty of the several sheriffs and other returning officers, to make out a correct list of the vote required to be taken under the provisions of this act, and cause the same to be delivered to the secretary of state, and upon a failure to do so, shall be fined in the sum of one thousand dollars, to be recovered against them as other fines are recovered under the existing laws regulating elections in this state.

§ 4. That it shall be the duty of the secretary of state, to report to the next General Assembly, within ten days after it commences, a statement of the vote directed to be taken under the provisions of this act.

§ 5. That it shall be the duty of the public printer to print and deliver to the secretary of state fifteen copies of this act, for each county in the commonwealth; and it shall be the duty of said secretary to forward the same to the clerk of each county court at the same time the public laws are distributed; and said clerks are required by this act to deliver said copies to the sheriffs of their respective counties and take a receipt therefor; and it shall be the duty of said sheriffs to put one copy of this act at the place of holding elections, in each election precinct in their respective counties, at least thirty days before the election at which the vote mentioned in this act is to be taken.

§ 6. That any person, other than a qualified voter of this state, who shall vote for or against the proposition in this act mentioned, shall be subject to all the fines and penalties now in force under the existing laws regulating elections.

Approved March 7, 1854.

CHAPTER 565.

AN ACT prescribing the mode, and authorizing the Board of Internal Improvement to bring suit in certain cases.

WHEREAS, it is doubtful as to the manner of bringing suits to recover tolls and damages upon any of the public works of internal improvements in this commonwealth. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all suits brought for the purpose of re-

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Actions may be instituted in the name of the president of the board of internal improvement.

covering money or property, to which the commonwealth has a claim connected with the internal improvements, shall be brought in the name of the president of the board of internal improvements: and all suits now pending for the recovery of tolls, water rents, or other demands, and which have been sued for in the name of the president of the board of internal improvement are hereby legalized.

Approved March 7, 1854.

CHAPTER 569.

AN ACT to change the time of holding the County Courts of Lincoln and Garrard counties.

Time of holding Lincoln county courts.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That from and after the passage of this act the county courts for Lincoln county shall be held on the first Monday in each month of the year, subject to the same rules and regulations as are now provided for by law for holding county courts. And all acts not consistent with this, in relation to the time of holding the Lincoln county courts, be and the same are hereby repealed.

Time of holding Garrard county courts.

§ 2. That from and after the first day of May, 1854, the county court for Garrard county, shall be held on the first Mondays in May and November, and on the second Mondays in the remaining months in each year.

Approved March 7, 1854.

CHAPTER 574.

AN ACT concerning bridges erected in whole or in part by any County Court, on any County or State road.

County courts may prescribe manner in which bridges may be crossed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the several county courts shall have the power, and it shall be their duty, to prescribe, by orders entered of record, the manner in which all bridges, situate in their respective counties, and which may have been erected, in whole or in part by said county court, as a public county bridge, shall be crossed by any and all persons crossing in wagons, or other vehicles, or on horse-back, or otherwise; and shall prescribe a fine, not exceeding ten dollars, for any violation of any order made by any county court, under this act; which fine shall be recovered by suit, in the name of the county where the bridge may be situated, and before any court having jurisdiction; one-half to the use of the informer, and the other half to said county—to be expended in the repair and improvement of roads and bridges in said county.

May prescribe fine for violation of orders made. How recovered.

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§ 2. That it shall be the duty of the presiding judge or the county attorney of each county, where any bridge, such as is mentioned in this act, may be situated, if in the opinion of said judge or attorney it is proper to do so, to cause suits to be brought in the proper court for damages for any injury wantonly committed by any person upon any bridge mentioned in this act, which damages shall be for the use of the county to be expended for the erection and repair of bridges therein.

Presiding judge or county attorney to cause suits to be bro't for injuries to bridges.

§ 3. That any person who shall maliciously deface or in any manner injure such bridge as herein mentioned, shall be liable to be presented or indicted and fined in the discretion of a jury. The net proceeds of said fines shall be paid to the county court; to be used in aid of the county levy.

Penalty for injury to bridges.

§ 4. That any person who shall be guilty of any offense mentioned in the third section of this act, may, upon a warrant of any justice of the peace, or any judge of this state, sworn to by the informer, or upon the view of said justice or judge, be brought before said justice or judge; and if upon examination of the case, said justice or judge be of opinion that the charge is true, he shall hold the offender to bail, with sufficient security, in such sum as he may think proper, for his or their appearance, at the next circuit court of the county, where such injury was committed; and in default of giving bail, commit him to the jail of the county to answer said charge.

Judges and justices may cause offenders to be arrested and held to bail to appear in circuit courts.

Approved March 7, 1854.

CHAPTER 577.

AN ACT to amend an act, entitled, an act concerning the Louisville chancery court.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all suits in which the venue may be changed from the Jefferson circuit court to the Louisville chancery court, as authorized by said act, shall be tried and determined in said chancery court, without being subject to abatement or dismissal because the same may have been improperly instituted in the Jefferson circuit court, when the same should have been instituted in the Louisville chancery court, and the latter court shall take as full and complete jurisdiction of all suits in which the venue is transferred, as provided for by said act, as though the same had been originally and properly instituted in said court.

Suits changed from the Jefferson circuit court to Louisville chancery court to be tried as if originally bro't in the latter court.

§ 2. That in suits transferred from one court to the other as aforesaid, the Louisville chancery court shall have the same right to the inspection of the records of the Jefferson circuit court, that the latter court had, whenever such records are necessarily connected with the suit or suits so

Papers in Jefferson circuit court to be inspected by chancery court when connected with suits transferred in cases of re-

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view, papers in original suits to be transferred.

transferred as aforesaid; and that in suits transferred from one court to the other, upon bills of review, or bills in the nature of bills of review, the clerk of the Jefferson circuit court shall transfer, as part of the new record, all suits which are to be reviewed by any such bills.

Approved March 7, 1854.

CHAPTER 580.

AN ACT to repeal the law authorizing fees to be charged for registering surveys and issuing patents.

So much of sec. 14, art. 2, title Revenue & Taxation, Rev. Stat., 554, requiring fees for surveys and patents repealed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the Revised Statutes as authorizes a fee of one dollar and twenty five cents, to the register, for registering a survey and issuing a patent on same, be and the same is hereby repealed. This act to take effect from its passage.

Approved March 7, 1854.

CHAPTER 581.

AN ACT regulating the fees of Notaries Public in this commonwealth.

Fees of Notaries Public.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the fees of notaries public shall be as follows :

For every attestation, protestation, or taking acknowledgment of any instrument of writing, and certifying the same under seal, - - -	50 cents.
For recording same in a book to be kept for that purpose, - - - - -	50 cents.
For each notice of protest, - - - - -	25 cents.
For administering an oath, - - - - -	10 cents.

Art. 12, title Fees, Rev. Stat., 351, repealed.

§ 2. That all acts now in force regulating the fees of notaries public, be and the same are hereby repealed.

Approved March 7, 1854.

CHAPTER 591.

AN ACT to amend the 5th section of the 14th article of chapter 36 of the Revised Statutes in relation to the sale of slaves under execution.

Slaves taken in execution may be sold at a place other than court house.

Rev. Stat. 326, title Executions, sec. 5, art. 14.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That slaves levied upon to satisfy executions, distress warrants or attachments, may be sold at such other time and place than those prescribed in the fifth section of the fourteenth article, of chapter thirty-six, of the Revised Statutes, as the parties interested may agree upon in writing, after advertising the time and place of sale as now required by law.

Approved March 7, 1854.

CHAPTER 592.

1854.

AN ACT to amend the 8th section of the Revised Statutes, entitled Costs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the two dollars and mileage, directed by the 8th section of chapter 25, of the Revised Statutes, to be adjudged against a plaintiff when non-suited, shall not be adjudged in suits or trials before quarterly court judges, county courts, or justices of the peace.

Approved March 7, 1854.

Rev. Stat., title Costs, § 903.
sec. 8, chap. 25.

CHAPTER 593.

AN ACT to amend the 2d section, 48th chapter, of the Revised Statutes, entitled Idiots and Lunatics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the 2d section of chapter 48, of the Revised Statutes of this state, entitled Idiots and Lunatics, be and the same is hereby so amended as to authorize the circuit courts of this commonwealth to decree the sale of the real estate and slaves of an idiot or lunatic, and the re-investment of the proceeds thereof, in the manner and under the like rules and restrictions which are now provided by law for the sale of like property of an infant, and re-investment of the funds arising therefrom: *Provided,* that in no case shall the court order the sale of the estate of a lunatic, except as now provided by law, unless it shall be made clearly to appear to the court that it is a case of confirmed and incurable lunacy.

Approved March 7, 1854.

Rev. Stat., 396.

Rev. Stat., 591.
Authority to re-invest.
Sec. 3, art. 6
Rev. Stat., 595.
No sale to be made under this act except in cases of confirmed lunacy.

CHAPTER 595.

AN ACT to regulate the appointment of Superintendent of the Western Lunatic Asylum, at Hopkinsville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the Revised Statutes as authorizes the managers of the Western Lunatic Asylum, at Hopkinsville, to appoint a superintendent for said institution, be and the same is hereby repealed; and the authority to appoint the superintendent is hereby conferred upon the governor, who shall make said appointment, by and with the advice and consent of the Senate, for the term of four years.

§ 2. Should a vacancy, from any cause, occur in the office of superintendent of said institution, at a time when the General Assembly is not in session, it shall be the duty of the governor, and he is hereby authorized, to appoint a superintendent to fill the vacancy until the meeting of the legislature, and until the Senate shall confirm or reject the appointment. This act is to take effect immediately.

Approved March 7, 1854.

Appointing power given to governor.

Vacancies to be filled by governor.

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CHAPTER 597.

AN ACT to change the fiscal year for the Sinking Fund.

Fiscal year of
Sinking Fund
changed to 10th
October.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fiscal year, for the operations of the sinking fund, shall commence and end on the 10th day of October; and the commissioners shall report accordingly.

Approved March 7, 1854.

CHAPTER 600.

AN ACT further to regulate the operations of the Sinking Fund.

Com'rs may
apply any of the
surplus means
to the purchase
of state bonds.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the commissioners of the sinking fund be, and they are hereby authorized to apply any of the surplus means or income of said fund, and the proceeds of any bank stock which they may sell, as hereinafter authorized, to the purchase of the bonds of the state, bearing six per cent. interest: *Provided,* that no purchase shall be made for more than the nominal value of the bonds, unless all the commissioners shall concur in the expediency thereof.

May sell, bank
stock for that
purpose.

§ 2. The said commissioners, the governor concurring therein, shall have authority to sell any bank stock which they may hereafter purchase or subscribe for, and apply the proceeds to the payment or purchase of the bonds of the state.

Bonds and cou-
pons to be burnt
and cancelled.

§ 3. The attorney general, register, and treasurer, shall, from time to time, when required by the commissioners of the sinking fund, count and burn the bonds of the state, and interest coupons, that have been and may be paid and cancelled by said commissioners; and they shall file with the auditor a certificate thereof.

§ 4. This act shall take effect immediately on its passage.

Approved March 7, 1854.

CHAPTER 605.

AN ACT for the benefit of the counties of Lyon and McLean.

County of Ly-
on may use jail
of Caldwell co.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county of Lyon shall have the use of the jail in Caldwell county, until a jail is built in said county of Lyon; and the jailer of Caldwell county shall receive all persons committed from Lyon county, in the same manner as if committed from the county of Caldwell.

§ 2. That the county of McLean shall have the use of the jails in Daviess and Muhlenburg counties, until a jail

is built in said county of McLean; and the jailers of Daviess and Muhlenburg counties, respectively, shall receive such persons when committed from McLean county, in the same manner as if committed respectively from the counties of Daviess and Muhlenburg.

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County of McLean may use jails of Daviess and Muhlenburg counties.

Approved March 7, 1854.

CHAPTER 618.

AN ACT to increase the number of the Commissioners of the Sinking Fund.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the secretary of state of this commonwealth, and the president of the Farmers Bank of Kentucky, and their successors shall, *ex officio*, be members of the board of commissioners of the sinking fund of Kentucky.

Secretary of state and president Farmers Bank appointed commissioners.

§ 2. It shall require three commissioners to compose a board for the transaction of business.

§ 3. This act shall go into effect immediately on its passage.

Approved March 7, 1854.

CHAPTER 624.

AN ACT to amend the Militia Law.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act there shall be a muster held on the first Saturday in June, 1859, and on the first Saturday in June every sixth year thereafter, which shall be styled a regimental muster.

One muster to be held in 1859, and every sixth year thereafter.

§ 2. It shall be the duty of commandants of regiments to notify the commandants of battalions of the time and place of holding the court of assessment and court of appeals, adding thereunto the place of holding the regimental muster; and the commandants of battalions shall give like notice to the commandants of companies; and the commandants of companies shall issue four copies of said notice, and put up, or cause the same to be put up, at four of the most public places in the bounds of their companies, on or before the 15th day of April preceding said muster; and such notices shall be lawful and sufficient notices to convene the militia of this commonwealth. Returns of companies shall be made out at regimental musters.

Officers to give notice of time of holding court of assessments, court of appeals, and musters.

Approved March 7, 1854.

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CHAPTER 630.

AN ACT regulating the fees of circuit and county court clerks.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the clerks of the circuit courts, and county courts, (so far as the same will apply,) shall receive the following fees for the services performed by them, viz :*

	DOLS.	CTS.
For issuing each summons in ordinary proceed-		
ings, - - - - -	25	
For each copy thereof, - - - - -	10	
For entering and filing return thereof, - - - - -	10	
For each order of attachment, - - - - -	25	
For each copy thereof, - - - - -	25	
For each order of injunction, - - - - -	25	
For each copy thereof, - - - - -	25	
For each subpoena <i>duces tecum</i> , - - - - -	25	
For each subpoena for a witness, - - - - -	20	
<i>Provided, that all the witnesses living in the same county, ordered to be summoned at the same time, shall be included in one subpoena, and the fee therefor shall not be increased.</i>		
For each warrant of arrest for a witness, - - - - -	25	
For entering and filing sheriff's return thereof, - - - - -	10	
For each order of arrest in ordinary or equitable proceeding, - - - - -	25	
For each copy thereof, - - - - -	25	
For entering and filing sheriff's return thereof, - - - - -	10	
For each order for delivery of personal property, - - - - -	25	
For each copy thereof, - - - - -	25	
For entering and filing sheriff's return thereof, - - - - -	10	
For each subpoena in chancery or summons in equitable proceeding, - - - - -	25	
For each copy thereof, - - - - -	10	
For enter and filing sheriff's return thereof, - - - - -	10	
For docketing a cause at each term, - - - - -	10	
For entering the appearance of each party or parties to a cause, - - - - -	10	
For filing a petition, answer, reply or demurrer, or amended pleading, - - - - -	10	
For each order of court incident to the trial of a cause, - - - - -	25	
For each copy thereof, - - - - -	20	
For each trial by jury, including all the services incident thereto, - - - - -	1	00
For entering a judgment, without jury, - - - - -	25	
For copy of judgment, - - - - -	20	
For taxing the costs of either party or parties, to a cause at each term, when judgment for costs is rendered, - - - - -	20	
For a copy thereof, - - - - -	10	
For issuing an execution, including indorsements,		

	DOLA.	CTS.	1854.
and recording return thereof, to be charged, when issued, - - - - -	50		
For a copy of same, - - - - -	30		
For recording award of arbitrators, or a decree in chancery, for every 20 words, - - - - -	1½		
For entering the attendance of a witness and giving certificate thereof, including the swearing of the witness, - - - - -	25		
For each bond required to be taken by the clerk, in- cluding the administration of an oath to the su- reties and a certificate thereof, - - - - -	50		
For a copy thereof, - - - - -	25		
For filing an appeal, - - - - -	10		
For issuing summons on an appeal, and indorsement,	25		
For entering and filing return of sheriff thereon, -	10		
For entering judgment on the judgment book, -	25		
For entering satisfaction of a judgment, or a release or discharge of the same, in whole or in part, in court or on judgment book, when the entry is made by the clerk, - - - - -	25		
For administering an oath, and certificate thereof, -	15		
For filing an attachment granted by a justice of the peace, - - - - -	10		
For a copy of a surveyor's report, for every 20 words,	2		
For a copy of a plat, - - - - -	25		
For filing papers in any cause for each party, exclu- sive of process, pleadings, depositions, or pa- pers referred to in the pleadings, to be charged as costs once in each cause to each party, -	20		
For affixing seal of office and certificate to same, except in cases exempt from charge, - - - - -	50		
For each official certificate, - - - - -	25		
For filing depositions for each party, to be charged but once in each case, - - - - -	15		
For issuing a writ of lunacy and filing return, -	50		
For recording inquisition under same, - - - - -	50		
For a copy of inquisition, - - - - -	50		
For copying a record, for every 20 words, - - - - -	1½		
For copying any other paper not herein specified, for every 20 words, - - - - -	1½		
For copying a deed and accompanying certificates,	75		
For taking a recognizance in court, - - - - -	50		
For taking a replevin bond, - - - - -	50		
For every summons required by law, - - - - -	25		
For receiving the acknowledgment or proof of a power of attorney, marriage agreement, other agreements, and certificate thereof, - - - - -	25		
For recording powers of attorney, marriage agree- ments, other agreements, allotments of dower, divisions of lands and slaves, wills, inventories, sale bills and settlements of fiduciary accounts,			

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and certificates thereon, two cents for every twenty words.

For entering the satisfaction of a mortgage including the whole service, - - - - -	25
For each order in the county court, - - - - -	25
For each copy thereof, - - - - -	20

Similar fees for similar services shall be allowed in all cases in the name of the commonwealth, where a fine is assessed and collected.

§ 2. The fees now allowed the county court clerk not provided for in the first section of this act shall remain as heretofore.

Approved March 7, 1854.

CHAPTER 631.

AN ACT to amend the 4th article of the 83d chapter of the Revised Statutes, in relation to Brokers.

Rev. Stat., 536.
Merchants and traders who receive and sell exchange in course of business not brokers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the 1st section of the 4th article of the 83d chapter of the Revised Statutes, shall not be so construed as to embrace merchants and traders in produce, who in the course of their legitimate business as such, purchase exchange for the purpose of remittance to pay their liabilities, or receive exchange on sale of the produce exported, and who sell such exchange.

Approved March 7, 1854.

CHAPTER 634.

AN ACT to repeal section 1st, article 1st, chapter 58, of Revised Statutes.

Rev. Stat., 446,
title Land, Forfeited.

See title Revenue, chap. 5, sec. 3, Rev. Statutes, 580, imposing tax on seminaries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That section 1st, article 1st, and chapter 58, of the Revised Statutes, be and the same is hereby repealed.

Approved March 7, 1854.

CHAPTER 635.

AN ACT to amend the act establishing the July term of the Anderson Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the July term of the Anderson circuit court, now established by law for the trial of chancery, criminal, and penal causes, shall hereafter be also a term at which all civil causes shall be tried and decided, in the same manner as at other terms of said court.

Approved March 7, 1854.

CHAPTER 643.

1854.

AN ACT to change the county line between the counties of Bracken and Mason.

WHEREAS, it is represented to the present General Assembly of the commonwealth of Kentucky, that it will be greatly to the convenience of the citizens of Germantown, and not cause inconvenience to any of the citizens of either Bracken or Mason counties, to change the line between those counties, running in and near said town. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said county line be changed as follows: beginning at a point in said line, in the centre of Main street, in Germantown, and running thence east with the centre of said street about one hundred feet, to a point opposite the centre of the town hall; thence south, through the centre of said hall, one hundred and fifty feet; thence west, to the present county line between said counties.

How changed.

§ 2. That all legal elections, and magistrates' courts and other legalized courts, for any of the precincts or districts, in either Mason or Bracken counties, which embrace said hall, and are held in said hall, shall have the same force and effect as if they had been held at the places now provided by law.

Elections held in G. Hall legal.

Approved March 8, 1854.

CHAPTER 659.

AN ACT to change the time of holding the County Courts of Oldham county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the county courts of Oldham county be held on the second Monday of each month, instead of the time now fixed by law.

Approved March 8, 1854.

CHAPTER 662.

AN ACT to add a portion of Ballard county to the county of Hickman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the territory of the county of Ballard as is situate within the corporate limits of the town of Columbus, in Hickman county, be and the same is hereby added to the county of Hickman, and the said corporate limits, as far as the same are applicable, shall hereafter be the line between the two said counties.

Approved March 8, 1854.

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CHAPTER 664.

AN ACT to furnish the judge of the 12th judicial district with certain books.

Judge twelfth district to be furnished with certain books.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the secretary of state be authorized, and he is hereby directed, to furnish the judge of the 12th judicial district, full copies of all the reports of the decisions of the court of appeals of Kentucky, except the eleventh and twelfth volumes of Ben. Monroe's reports.

Secretary may purchase if necessary.

§ 2. That if any of the above mentioned books required to be furnished, are not in the office of the secretary of state, or are not within his control subject to distribution, he is hereby directed to purchase the same, and present the account therefor to the auditor of public accounts, who, if he deems said account reasonable, shall draw his warrant for the amount upon the treasurer, to be paid out of any money in the treasury not otherwise appropriated.

Books to be furnished with other public documents.

§ 3. The books to be furnished under this act shall be forwarded at the same time, and under the same regulations, as provided by law for the distribution of the acts of the general assembly: *Provided however*, that said books shall, at an earlier day than that fixed for their distribution, be subject to the order of the judge of the 12th judicial district.

Approved March 8, 1854.

CHAPTER 665.

AN ACT to change the time of holding the Lewis county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the April and October terms of the Lewis county court shall be held on the third Monday of each month, instead of the first Monday.

Approved March 8, 1854.

CHAPTER 667.

AN ACT authorizing an additional reward for killing wild cats.

\$2 for each wild cat killed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That every person who shall hereafter kill a wild cat in this state shall be paid out of the public treasury for each wild cat so killed, two dollars, and the claim therefor shall be certified, allowed and paid as now provided for by law.

Approved March 8, 1854.

CHAPTER 670.

1854.

AN ACT declaring Red river a navigable stream.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Red river from its head to its junction with the Kentucky river, be and is hereby declared a navigable stream: *Provided*, that nothing herein contained shall be so construed as to authorize the destruction of any mill dam on said river heretofore constructed.

Red river declared navigable.

§ 2. The county courts of the counties through which said river may run, by proper notices and orders, may require any person or persons owning dams on it to slope them so that rafts may safely pass over them in good tides of waters, and where the river is the dividing line between two counties that county shall have jurisdiction in which the mill house may be located.

County court may cause dams to be sloped.

Approved March 8, 1854.

CHAPTER 673.

AN ACT to regulate the terms of certain courts in the 12th judicial district.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the Floyd circuit court shall continue twelve juridical days, if the business of said court shall require it.

Floyd.

That the Knox circuit court shall hereafter continue twelve juridical days at each term, if the business thereof shall require it.

Knox.

That the Clay circuit court shall commence on the Mondays succeeding the Knox circuit court, and continue each term twelve juridical days, if the business of said court shall require it.

Clay.

That the Harlan circuit court shall hereafter commence on the Mondays succeeding the Clay circuit court, and continue six juridical days at each term, if the business of said court shall require it.

Harlan.

That the Perry circuit court shall hereafter commence on the Mondays succeeding the Harlan circuit court, and continue, at each term, six juridical days, if the business of said court shall require it.

Perry.

Approved March 8, 1854.

CHAPTER 676.

AN ACT to change the time of holding the court of claims in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the court of claims, for Henry county, shall be held on the fourth Monday in November;

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and in the event the court shall be unable in one day to transact all its business, it is hereby empowered to continue its sessions from day to day for the purpose of so doing.

Approved March 8, 1854.

CHAPTER 695.

AN ACT to increase the salaries of certain officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky; That from and after the first day of April next the salary of the superintendent of public instruction shall be one thousand dollars per annum; the salary of the secretary of state, one thousand dollars per annum; the salary of the assistant secretary of state, eight hundred dollars per annum; the salary of the quartermaster general, two hundred dollars per annum; the salary of the adjutant general, two hundred and fifty dollars per annum.

Approved March 8, 1854.

CHAPTER 696.

AN ACT to establish the Code of Practice in Criminal Cases.*

PRELIMINARY PROVISIONS.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky;* That the provisions of this act shall regulate the proceedings in all prosecutions and penal actions in all the courts of this commonwealth, from and after the first day of July, 1854, and shall be known as "The Code of Practice in Criminal Cases."

§ 2. *Be it further enacted,* That all prosecutions or proceedings in criminal or penal cases, which shall be commenced before the first day of September, 1854, and which by the existing laws would be valid, shall not be rendered invalid by this act, but may be prosecuted to their conclusion, and enforced according to the existing laws, as if this act had not been passed.

§ 3. *Be it further enacted,* That all laws coming within the purview of this act shall become repealed when this act goes into effect, except as provided in the last section.

TITLE I.

PUBLIC OFFENSES, AND THE MODES OF PREVENTING AND PROSECUTING.

§ 1. A public offense, in the meaning of this code, is any act or omission for which the law has prescribed a punishment.

*For the reasons stated in a note to Chapter 267, this act is printed in the present volume.

Superintendent
public instruc.
\$1,000, secretary
of state \$1,000,
assistant secre-
tary \$800, quar-
ter master gen-
eral \$200, adju-
tant gen'l \$250.

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- § 2. Public offenses are felonies and misdemeanors.
- § 3. A felony is an offense, of which the punishment is death, or confinement in the penitentiary.
- § 4. All other public offenses are misdemeanors.
- § 5. Persons charged with the commission of a public offense, shall be liable to be immediately arrested and proceeded against in the manner hereinafter directed.
- § 6. All public offenses may be prosecuted by indictment, except
1. Offenses of public officers, where a different mode of procedure is prescribed by law.
 2. Offenses exclusively within the jurisdiction of justices of the peace, or of police or city courts.
 3. Offenses arising in the militia, of which a military court has exclusive jurisdiction.
- § 7. Offenses within the jurisdiction of a justice of the peace, or of a city or police court, where the punishment is a fine limited to one hundred dollars, may be prosecuted by a summons or warrant of arrest, in which shall be stated, in general terms, the offense charged to have been committed.
- § 8. A public offense, of which the only punishment is a fine, may be prosecuted by a penal action in the name of the commonwealth of Kentucky, or in the name of an individual or corporation, where the whole fine is given to such individual or corporation. The proceedings in penal actions are regulated by the code of practice in civil actions.
- § 9. The commission of public offenses may be prevented by proceedings—
1. For suppressing riots and resistance to lawful authority.
 2. For requiring security to keep the peace, or for good behavior.
 3. For arresting and confining insane, drunken, and disorderly persons.

TITLE II.

CRIMINAL JURISDICTION OF THE COURTS OF THE STATE.

- § 10. The jurisdiction of the various courts of this commonwealth, for the trial of offenses, shall be as follows:
1. The senate of Kentucky have exclusive jurisdiction of impeachments.
 2. The court of appeals of Kentucky have exclusive jurisdiction of proceedings for the removal of clerks of courts from office.
 3. The circuit courts have general jurisdiction for the trial of all offenses which may be prosecuted by indictment,

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and all prosecutions and penal actions, except where exclusive jurisdiction is given to other courts.

4. City and police courts shall have exclusive jurisdiction of all prosecutions and actions, for an infraction of the by-laws or ordinances of the city or town in which they are located, and concurrent jurisdiction with the circuit courts, and justices' courts, of prosecutions for misdemeanors committed in the town or city, where the punishment of a free person is a fine not exceeding one hundred dollars, or of a slave is any number of stripes not exceeding thirty-nine ; and, also, concurrent jurisdiction in the cases provided by the special statutes creating or regulating such courts.

5. Justices' courts have jurisdiction concurrent with city or police courts, but exclusive of circuit courts, of prosecutions for offenses where the punishment of a free person is limited to a fine not exceeding ten dollars, or of a slave is limited to twenty stripes ; and concurrent jurisdiction with the circuit courts in prosecution of offenses where the punishment of a free person is limited to a fine not exceeding one hundred dollars, or of a slave is limited to thirty-nine stripes.

6. The city court of Louisville is excepted from the provisions of this section, and shall retain all its exclusive jurisdiction according to the existing laws.

§ 10½. Where an indictment is found in the circuit court for an offense within its jurisdiction, such court shall have jurisdiction in that prosecution of all the degrees of such offense, and of all offenses included in the one charged, although some of those degrees or included offenses are within the exclusive jurisdiction of an inferior or local court.

§ 11. Where prosecutions have been commenced in the circuit court, of which a city, magistrates', or police court has concurrent jurisdiction, they may, by an order made by the judge of the circuit court, at his discretion, be removed into such city, magistrates', or police court for trial. Upon such order being made, the clerk of the circuit court shall deliver to the clerk of the city, magistrates', or police court, all the papers relating to the prosecutions, and a copy of the order of removal, and thereupon the defendant shall be bound to appear in said police, magistrates', or city court, and the prosecution be carried on to final judgment and execution, as if commenced in such court.

§ 12. The judges of circuit courts may require the grand juries, in prosecutions for misdemeanors within the local jurisdiction of city or police courts, to state in the indictments that such misdemeanors were committed within the town or city, or other local limits of the jurisdiction of the city or police courts.

§ 13. The jurisdiction of the senate and court of appeals embraces the whole commonwealth.

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§ 14. The local jurisdiction of circuit courts and justices' courts shall be of offenses committed within the respective counties in which they are held.

§ 15. The local jurisdiction of police or city courts shall be of offenses committed within the limits of the jurisdiction of such courts, as prescribed by the special statutes creating or regulating them.

§ 16. Where a river is the boundary between two counties, the criminal jurisdiction of each county shall embrace offenses committed on the river, or on any island thereof.

§ 17. Where the offense is committed partly in one county and partly in another, or the acts or effects thereof, requisite to the consummation of the offense, occur in two or more counties, the jurisdiction is in either county.

§ 18. Where the offense consists of coming into the commonwealth, or of importing any property into the commonwealth, the jurisdiction shall be in any county into which the offender may come, or into which he may import the property.

§ 19. Where the offense consists of kidnapping, or seizing or confining a person without lawful authority, the jurisdiction shall be in the county in which the kidnapping, seizing, or confining was committed, or in any county in which it was continued.

§ 20. Wherever two or more counties, by the foregoing provisions, have jurisdiction of the same offense, the county in which the defendant is first arrested shall proceed to try the offense, to the exclusion of the others.

§ 21. The circuit court of any county may, by writ of prohibition, restrain all other courts in the limits of the county from exceeding their criminal jurisdiction.

TITLE III.

PROCEEDINGS FOR THE ARREST OF CRIMINALS.

CHAP. 1. *Warrant of arrest.*

2. *Arrest, by whom and how made.*

CHAPTER 1.

Warrant of arrest.

§ 22. A warrant of arrest may be issued by the following officers, who are called magistrates in this code, viz: judges of the county courts, judges of city or police courts, mayors, chairmen of the trustees of towns, and justices of the peace; and may be executed by the following officers, who are called peace officers in this code, viz: sheriffs, constables, coroners, jailers, marshals, and policemen.

§ 23. A warrant of arrest shall, in general terms, name or describe the offense charged to have been committed, the

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county in which it was committed, and command the officers to whom it is directed, to arrest the person named therein as the offender, and bring him before some magistrate of the county in which the offense was committed, to be dealt with according to law. It may be substantially in the following form, varying the terms to suit the case.

The commonwealth of Kentucky to any sheriff, constable, coroner, jailer, marshal, or policeman, of the state of Kentucky:

It appearing that there are reasonable grounds for believing that A B has committed the offense of larceny in the county of Franklin, you are therefore commanded forthwith to arrest A B, and bring him before some magistrate of Franklin county, to be dealt with according to law.

C D, justice of the peace for Franklin county.

Summon as witnesses E F and J K.

§ 24. If the offense charged is a misdemeanor, the person arrested may immediately give bail for appearing on a day to be named in the bail bond, either before the magistrate who issued the warrant, or the judge of the county court, for an examination of the charge, or before the court having jurisdiction to try the offense; and an indorsement to that effect, and that the bail may be taken by the sheriff of the county where the arrest is made, or where the offense was committed, shall be made on the warrant of arrest.

§ 25. If the defendant give bail for his appearance before the magistrate, or county judge, for an examination of the charge, as provided in the last section, the officer taking the bail shall fix the day of the defendant's appearance, which shall not exceed five days from the day of arrest, unless the arrest be made in a different county, from that in which the offense was committed, in which case there may be one day added for every twenty miles of distance of the place of arrest from the county in which the offense is charged to have been committed.

§ 26. A deviation from the provisions of the last section shall not, however, render the bail bond invalid.

§ 27. It shall be the duty of a magistrate to issue a warrant for the arrest of a person charged with the commission of a public offense, when, from his personal knowledge, or from information given to him on oath, he shall be satisfied that there are reasonable grounds for believing the charge.

§ 28. When a magistrate is satisfied that a felony has been committed, he shall have power to summon before him any persons he may think proper, and examine them on oath concerning it, to enable him to ascertain the offender and to issue a warrant for his arrest.

§ 29. The officer who has executed a warrant of arrest, shall make a written return on the warrant, of the time and manner of executing it, and deliver the warrant to the magistrate before whom the defendant is brought;

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or, if bail be given, as provided in section 24, the officer shall deliver the warrant and bail bond to the magistrate before whom, or to the clerk of the court in which the defendant is bound by the bail bond to appear.

§ 30. If the arrest is made in a different county from that in which the offense is charged to have been committed, and bail be given, the officer may transmit the warrant and bail bond by mail to the person to whom, by the last section, he is required to deliver them.

CHAPTER 2.

Arrest, by whom and how made.

§ 31. An arrest may be made by a peace officer, or by a private person.

§ 32. A peace officer may make an arrest—

1. In obedience to a warrant of arrest delivered to him.
2. Without a warrant, where a public offense is committed in his presence, or where he has reasonable grounds for believing that the person arrested has committed a felony.

§ 33. A private person may make an arrest, where he has reasonable grounds for believing that the person arrested has committed a felony.

§ 34. A magistrate, or any judge, may orally order a peace officer or private person to arrest any one committing a public offense in the magistrate's or judge's presence, which order shall authorize the arrest.

§ 35. The person making the arrest shall inform the person about to be arrested of the intention to arrest him, and the offense charged against him for which he is to be arrested, and, if acting under a warrant of arrest, shall give information thereof, and, if required, show the warrant.

§ 36. To make an arrest, an officer may break open the door of a house in which the defendant may be, after having demanded admittance, and explained the purpose for which admittance is desired.

§ 37. An officer making an arrest may orally summon as many persons as he deems necessary to aid him in making the arrest, and all persons failing, without reasonable excuse, to obey the summons, shall be guilty of a misdemeanor, and punished by fine and imprisonment, or either.

§ 38. An arrest is made by placing the person of the defendant in restraint, or by his submitting to the custody of the person making the arrest.

§ 39. No unnecessary force or violence shall be used in making the arrest.

§ 40. If the defendant, after an arrest, escapes, or is rescued, the person in whose custody he was may immediately pursue and recapture him in any part of the commonwealth.

§ 41. The officer making an arrest in obedience to a

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warrant, shall proceed with the defendant as directed by the warrant.

§ 42. Where an arrest is made without a warrant, whether by a peace officer or private person, the defendant shall be forthwith carried before the most convenient magistrate of the county in which the arrest is made, and the grounds on which the arrest was made shall be stated to the magistrate, and if the offense for which the arrest was made is charged to have been committed in a different county from that in which the arrest was made, and the magistrate believe from the statements made to him on oath, that there are sufficient grounds for an examination, he shall, by his written order, commit the defendant to a peace officer, to be conveyed by him before a magistrate of the county in which the offense is charged to have been committed; or, if the offense is a misdemeanor only, the defendant may give bail before the magistrate for appearing before the judge of the county court of the county in which the offense was committed, on a day to be named in the bail bond, or for appearing before the court having jurisdiction to try the offense, on a day to be fixed by the magistrate.

§ 43. The magistrate taking bail, as provided in the last section, shall transmit by mail the bail bond to the officer before whom, or to the clerk of the court in which the defendant is bound to appear.

§ 44. Where the arrest is made in the county in which the offense is charged to have been committed, the magistrate before whom the defendant is carried, shall forthwith proceed to an examination of the charge, as provided in Title IV, or to a trial, as provided in Titles VII and VIII.

TITLE IV.

PROCEEDINGS IN THE EXAMINING COURT.

§ 45. A magistrate of the county in which the public offense has been committed, is authorized to examine the charge, and commit to jail or hold to bail the person charged with its commission.

§ 46. When a person, who has been arrested, shall be brought, or, in pursuance of a bail bond, shall come before a magistrate of the county in which the offense is charged to have been committed, the charge shall be forthwith examined; reasonable time, however, being allowed for procuring counsel and the attendance of witnesses. The magistrate, before commencing the examination shall state the charge, and inquire of the defendant whether he desires the aid of counsel, and shall allow a reasonable opportunity for procuring it.

§ 47. For the purpose of procuring the attendance of

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witnesses, either against or for the defendant, or other sufficient reasons, the magistrate may adjourn the examination from time to time, not, however, exceeding two days at a time.

§ 48. During the periods of adjournment the defendant shall be committed to jail, or to the custody of a peace officer; but where the offense is a misdemeanor, the defendant may give bail, or the magistrate may fix a sum equivalent to bail, upon which being deposited with the peace officer in attendance, unless he be a policeman, as security for the defendant's appearance at the time or times appointed, he may be released from custody during the periods of the adjournment of the examination.

§ 49. An entry shall be made by the magistrate of the deposit, and by whom made, on the minutes of the examination; and if the defendant appears on the day, or on a day to which the magistrate may extend the time of his appearance, or dies during the adjournment, the money shall be returned by the peace officer to the person depositing it, or his representatives; but if the defendant fail to appear, the peace officer shall, within ten days after such failure, pay over the money to the trustee of the jury fund of his county.

§ 50. The peace officer shall be responsible on his official bond for the money deposited as provided in the last two sections.

§ 51. Where a deposit of money has been made or bail given, the magistrate may, for sufficient cause, extend the time for the appearance of the defendant, not exceeding, however, ten days.

§ 52. The sum of money to be deposited, as provided in the preceding sections, shall not be less than the full amount in which bail would be required, upon the defendant's being held for trial of the charge.

§ 53. The magistrate shall issue subpoenas for witnesses either for or against the defendant, which shall be executed by a peace officer, and shall coerce their attendance by the same process as in the circuit courts.

§ 54. During the examination the magistrate may cause the witnesses to be kept out of hearing of the witness deposing, and also separate from each other.

§ 55. Upon the request of the defendant, all persons may be excluded from the room in which the examination is made, except the magistrate, his clerk, the peace officer, the prosecutor, the attorney or attorneys representing the commonwealth, the prisoner, his counsel, and the witness under examination.

§ 56. The magistrate, in the minutes of the examination shall state the name and place of residence of each witness, and the substance of his evidence; and if the offense be a felony shall read to each witness the statement of his evidence for his correction, before another witness is ex-

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amined. But such statement shall not of itself be evidence for any purpose.

§ 57. When the examination is closed, if the magistrate is of opinion that there is not sufficient cause for believing that the defendant has committed a public offense, he shall discharge the defendant from custody, and make an entry thereof on the minutes.

§ 58. If, however, the magistrate is of opinion from the examination, that there are reasonable grounds to believe the defendant guilty of the offense charged, he shall be held for trial, and committed to jail, or discharged on bail, if the offense be bailable: *Provided however*, that if upon the trial it shall appear that the defendant is guilty of a public offense, other than that charged in the warrant, he shall be held in custody of the officer and tried for such offense, a reasonable opportunity having been given him to obtain his witnesses and prepare his defense.

§ 59. If the defendant is committed to jail, the magistrate shall make out a written order of commitment, signed by him, which shall be delivered to the jailer by the peace officer who executes the order of commitment. If the offense is bailable, the magistrate must fix the sum for which bail is to be given, and if sufficient bail is offered, take the same and discharge the defendant. If, however, sufficient bail is not offered, the sum in which bail is required must be stated in the order of commitment.

§ 60. The defendant, after commitment, and before the commencement of the next term of the court having jurisdiction to try the offense, may be admitted to bail in the sum fixed by the committing magistrate, by such committing magistrate or by the judge of the county court; but after the commencement of the term of the court, can only be admitted to bail by the court, or the judge thereof.

§ 61. On holding the defendant to answer the charge, the magistrate shall cause each of the material witnesses on behalf of the commonwealth to enter into a recognizance before him, to the effect that he will attend and testify at the court to which the defendant is sent for trial, or forfeit a sum not less than one hundred dollars to the commonwealth of Kentucky

§ 62. The magistrate shall in ten days, and before the commencement of the next term of the court to which the defendant is sent for trial, deliver to the clerk of such court the warrant, if any, the minutes of the examination including the statements of the witnesses, the instruments of writing and other things used in evidence, the decision and action of the magistrate, the bail bond, if any, and the recognizances of the witnesses.

§ 63. The magistrate shall, in like manner, at the defendant's request, cause the material witnesses for the defendant to enter into recognizances in the same penalty for appearing and testifying in the court to which he is sent

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for trial, but it shall be named in the recognizances that they are witnesses for the defendant, and the commonwealth shall not be liable for their attendance and mileage as witnesses.

§ 64. If the defendant gives bail for his appearance during the examination according to section 48, and fails to appear at the time specified, or at the time extended according to section 51, the magistrate shall indorse on the bail bond the word "forfeited," with his signature thereto, and return the bond to the clerk of the circuit court of the county, who shall proceed thereon as directed in section 91, and such indorsement shall be sufficient evidence of the forfeiture of the bond.

§ 65. If the magistrate before whom the defendant is brought for an examination of the charge against him, is a justice of the peace, and the offense charged is a felony, he shall proceed with such defendant to another justice of the county, who shall be associated with him, and the two compose the examining court and perform the duties and exercise the powers as provided in this title, subject to the following rules, which shall apply to them:

1. If they do not concur in the opinion that there are reasonable grounds for believing the defendant to be guilty of a public offense, he shall be discharged.

2. If they concur in the opinion that there are reasonable grounds for believing him to be guilty of a public offense, but differ as to the offense of which he is guilty, he shall be held for trial for the offense for which the least punishment is prescribed.

3. If they differ as to the sum in which the defendant should be held to bail, he shall be held in the smaller sum.

4. If they differ in the decision of any other question, the decision most favorable to the defendant shall prevail.

5. The justice before whom the defendant is first brought shall deliver the papers to the clerk, as prescribed in section 62, and the other justice shall write down the evidence, unless they otherwise agree.

TITLE V.

BAIL.

CHAP. 1. *Admission to bail.*

2. *Surrender of the defendant.*

3. *Deposit of money in lieu of bail.*

4. *Forfeiture of bail.*

5. *Recommitment after giving bail or depositing money.*

CHAPTER 1.

Admission to bail.

§ 66. Admission to bail is an order from a competent court or magistrate, that the defendant be discharged from actual custody on bail.

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§ 67. The taking of bail consists in the acceptance by a competent court, magistrate, or officer, of the undertaking of sufficient bail for the appearance of the defendant according to the terms of the undertaking, or that the bail will pay to the commonwealth the specified sum.

§ 68. During the trial of an indictment for felony the defendant shall be kept in actual custody, but for misdemeanor may remain on bail during trial.

§ 69. Before conviction, the defendant may be admitted to bail—

1. For his appearance before a magistrate for an examination of the charge, where the offense charged is a misdemeanor; or,

2. For his appearance in the court to which he is sent for trial; or,

3. For his appearance to answer an indictment, which has been found against him; or,

4. For his appearance in a penal action.

§ 70. After conviction, the defendant cannot be admitted to bail.

§ 71. The bail shall be residents of the commonwealth, owners of visible property, over and above that exempt from execution, to the value of the sum in which bail is required, and shall be worth that amount after the payment of their debts and liabilities.

§ 72. The person or persons offered as bail, shall be examined on oath in regard to their qualifications as bail, and any officer authorized to take bail is authorized to administer the oath, reduce the statements on oath to writing, and require the person offered as bail to sign the statement. Other proof may be also taken in regard to the sufficiency of the bail.

§ 73. No person shall be taken as bail, unless the court, magistrate, or officer, is satisfied, from proof and examination on oath, of the sufficiency of such person, according to the requisitions of the preceding sections.

§ 74. Where more than one person is offered as bail, they shall be deemed sufficient, if in the aggregate they possess the qualifications required.

§ 75. If the defendant is committed to jail, and the application for bail is made to a magistrate or judge of the circuit court during vacation, it must be by a written petition, signed by the defendant or his counsel, briefly stating the offense for which he is committed, and naming the persons offered as bail. In all other cases, the application may be made orally to the court, magistrate, or officer.

§ 76. The undertaking of the bail shall be substantially as follows.

“A B, being in custody, charged with the offense of, (naming or briefly describing it,) and being admitted to bail in the sum of dollars, we, C D, of, (stating his place

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of residence,) and E F, (stating his place of residence, hereby undertake that the above named A B, shall appear in the court on the day of its term, (or before the judge of the county court, on the day of) to answer said charge, and shall at all times render himself amenable to the orders and process of said court in the prosecution of said charge, and, if convicted, shall render himself in execution thereof; or, if he fail to perform either of these conditions, that we will pay to the commonwealth of Kentucky the sum of dollars."

§ 77. A sheriff arresting a person under a warrant, or other process, in which it shall appear that the person is to be admitted to bail in a specified sum, may take the bail and discharge the person from actual custody. A sheriff taking bail shall be officially responsible for the sufficiency of the bail, as in taking bail in civil actions.

§ 78. No peace officer, except, a sheriff or under sheriff, can take bail.

§ 79. No bail bond or bail recognizance shall be deemed to be invalid by reason of any variance between its stipulations and the provisions of this code, or of the failure of the magistrate or officer to transmit or deliver the same at the times herein provided, or of any other irregularity, so that it be made to appear that the defendant was legally in custody charged with a public offense, and that he was discharged therefrom by reason of the giving of the bond or recognizance, and that it can be ascertained from the bond or recognizance that the bail undertook that the defendant should appear before a magistrate for an examination of the charge, or before a court for the trial thereof. If no day be fixed for such appearance, or an impossible day, or a day in vacation, the bond or recognizance, if for his appearance before a magistrate, shall be considered as binding the defendant so to appear and surrender himself into custody for an examination of the charge, in twenty days from the time of his giving such bond or recognizance, and if for his appearance for trial in court, shall be considered as binding the defendant so to appear and surrender himself into custody, on the first day of the next term of the court which shall commence more than ten days after the giving of the bond of recognizance.

CHAPTER 2.

Surrender of the defendant.

§ 80. At any time before the forfeiture of their bond, the bail may surrender the defendant, or the defendant may surrender himself to the jailer of the county in which the offense was committed; but the surrender must be accompanied with a certified copy of the bail bond to be delivered to the jailer, who must detain the defendant in custody thereon as upon a commitment, and give a written ac-

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knowledge of the surrender; and the bail shall thereupon be exonerated.

§ 81. For the purpose of surrendering the defendant, the bail may obtain from the officer having in his custody the bail bond, or recognizance, a certified copy thereof, and thereupon, at any place in the state, arrest the defendant, or by his written indorsement thereon authorize any person over the age of twenty-one years to do so.

§ 82. The bail may arrest the defendant without such certified copy.

CHAPTER 3.

Deposit of money in lieu of bail.

§ 83. Whenever the defendant is admitted to bail in a specified sum, he may deposit said sum with the trustee of the jury fund of the county in which the trial is directed to be had, and take from the trustee a certificate of such deposit, upon delivering which to the officer in whose custody he is, he shall be discharged.

§ 84. After bail has been taken, a deposit may in like manner be made of the sum mentioned in the bail bond, which shall exonerate the bail.

§ 85. Where money is deposited, the trustee of the jury fund shall hold and pay the same according to the orders of the court having jurisdiction to try the offense, and he and his sureties shall be liable for the same on their official bond.

§ 86. Upon judgment being rendered against a defendant for a fine or costs, the court rendering judgment may order any money deposited, agreeably to the forgoing sections, to be applied to the payment thereof.

CHAPTER 4.

Forfeiture of bail.

§ 87. If the defendant fail to appear for trial or judgment, or at any other time when his presence in court may be lawfully required, or to surrender himself in execution of the judgment, the court must direct the fact to be entered on the minutes, and thereupon the bail bond, or the money deposited in lieu of bail, is forfeited.

§ 88. If, before the final adjournment of the court, the defendant appears and satisfactorily excuses the failure, the court may discharge the forfeiture.

§ 89. If the forfeiture is not discharged, the attorney for the commonwealth may, at any time after the adjournment of the court, proceed by action against the bail on their bond.

§ 90. The action on the bail bond shall be in the court in which the defendant was, or would have been, required to appear for trial.

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§ 91. No pleadings are required on the part of the commonwealth, but the clerk shall issue a summons against the bail, requiring them to appear on the first day of the next term of the court, to show cause why judgment should not be rendered against them for the sum specified in the bail bond, on account of the forfeiture thereof; which summons shall be executed as in civil actions, and the action proceed as an ordinary civil action.

§ 92. Where money is deposited in lieu of bail, after such forfeiture and final adjournment of court, the trustee shall enter the sum deposited to the credit of the jury fund.

§ 93. If, before judgment is entered against the bail, the defendant be surrendered or arrested, the court may, at its discretion, remit the whole or part of the sum specified in the bail bond.

§ 94. The attorney for the commonwealth shall be allowed the same portion of the judgments upon bail bonds as upon recognizances in favor of the commonwealth.

CHAPTER 5.

Recommitment after giving bail or depositing money.

§ 95. The court in which a prosecution for a public offense is pending, may, by an order, direct the defendant to be arrested and committed to jail until legally discharged, after he has given bail or deposited money in lieu thereof, in the following cases:

1. When, by having failed to appear, a forfeiture of bail, or of the money deposited, has been incurred.

2. When the court is satisfied that his bail, or either of them, is dead, or insufficient, or has removed from the state.

3. Upon an indictment being found for an offense not bailable.

§ 96. Upon such order being made, the clerk shall issue process for the arrest and recommitment of the defendant. If the order is made on account of either of the cases mentioned in the 1st and 2d subdivisions of the last section, the defendant shall be admitted to bail as upon his first commitment, in a sum to be fixed by the court, and named in the process for his arrest.

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TITLE VI.

TRIAL.

- CHAP. 1. *Grand jury, its powers and duties.*
 2. *Indictment.*
 3. *Process on an indictment.*
 4. *Production of evidence.*
 5. *Arraignment and pleadings by the defendant.*
 6. *Trial.*
 7. *New trial and arrest of judgment.*
 8. *Bills of exception.*
 9. *Judgment.*
 10. *Execution.*

CHAPTER 1.

Grand jury, its powers and duties.

§ 97. The selecting, summoning and impanneling of a grand jury shall be as prescribed in the Revised Statutes.

§ 98. The grand jury has power, and it is their duty, to inquire into all public offenses committed within the jurisdiction of the court in which they are impaneled, and indict such persons as they find guilty thereof.

§ 99. An indictment is an accusation in writing, presented by a grand jury, charging a person with the commission of a public offense.

§ 100. The foreman of the grand jury shall have power to administer the oath to the witnesses appearing before the grand jury.

§ 101. The grand jury can receive none but legal evidence; they are not bound to hear evidence for the defendant; but it is their duty to weigh all the evidence before them, and if they believe that other evidence within their reach will explain away the charge, they should order the evidence to be produced.

§ 102. The grand jury should find an indictment when all the evidence before them, taken together, would, in their judgment, if unexplained, warrant a conviction by the trial jury.

§ 103. If a member of the grand jury know, or have reason to believe, that a public offense has been committed within the jurisdiction of the court, he must declare the same to his fellow jurors, who must thereupon investigate the same.

§ 104. The grand jury must inquire—

1. Into the case of every person imprisoned in the county jail, or on bail, to answer a criminal charge in that court, and who is not indicted.

2. Into the condition and management of the public prisons in the county.

3. Into the willful and corrupt misconduct in office of public officers of every description in the county.

§ 105. They are entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records in the county.

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§ 106. The grand jury may, at all reasonable times, ask the advice of the court, or the attorney for the commonwealth.

§ 107. No person except the commonwealth's attorney and the witness under examination, is permitted to be present while the grand jury are examining a charge, and no person whatever shall be present while the grand jury are deliberating or voting on a charge.

§ 108. Every member of a grand jury must keep secret whatever he himself, or any other grand juror, may have said, or in what manner he, or any other grand juror, may have voted on a matter before them.

§ 109. A member of the grand jury may, however, be required by a court to disclose the testimony of a witness examined before the grand jury, for the purpose of ascertaining its consistency with the testimony given by the witness on the trial, or for the purpose of proceeding against the witness for perjury in his testimony, or upon the trial of a prosecution of the witness for perjury; and it shall be the duty of the foreman of the grand jury to communicate to the attorney for the commonwealth, when requested, the substance of the testimony before them.

§ 110. A grand juror cannot be questioned for anything he may say, or any vote he may give, relative to a matter legally before the grand jury, except for a perjury he may have committed in making an accusation, or giving testimony, before his fellow jurors.

§ 111. The clerk, on the request of the foreman of the grand jury, or of the commonwealth's attorney, shall issue subpoenas for witnesses to appear before the grand jury, and upon the witnesses failing to attend in obedience thereto, the court shall proceed to coerce their attendance, and may punish their disobedience by fine and imprisonment, as in the case of witnesses failing to attend on the trial.

§ 112. When a witness under examination refuses to testify, or to answer a question put to him by the grand jury, the foreman shall proceed with the witness into the presence of the court, and there distinctly state the refusal of the witness, and if the court, upon hearing the witness, shall decide that he is bound to testify or answer the question propounded, he shall inquire of the witness if he persists in his refusal, and if he does, shall proceed with him as in cases of similar refusal in open court.

§ 113. All the papers and other matters of evidence relating to the arrest and examination of the charge against persons committed, or on bail, returned to court by magistrates, shall be laid before the grand jury, and if, upon investigation, they refuse to find an indictment, they shall write upon some one of the papers "dismissed," with the signature of the foreman, and thereupon the court shall discharge the defendant from custody, if in jail, or exonerate the bail, if bail be given, unless the court should be

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of opinion that the charge should again be submitted to another grand jury, in which case the defendant may be continued in custody, or on bail, until the next term of the court.

§ 114. The dismissal of the charge does not prevent it being again submitted to a grand jury, as often as the court may direct, but without such direction it cannot again be submitted.

§ 115. Unless an indictment be found at the term of the court next after the first submission of the charge to the grand jury, the defendant shall be discharged from custody, or exonerated from bail, unless for cause shown the court shall otherwise direct.

CHAPTER 2.

Indictment.

ART. 1. *The finding of an indictment.*

2. *The form and requisites of an indictment.*

ARTICLE I.

The finding of an indictment.

§ 116. An indictment is an accusation in writing, found and presented by a grand jury to the court in which they are impaneled, charging a person with the commission of a public offense.

§ 117. The concurrence of twelve grand jurors is required to find an indictment; when so found, it must be indorsed "a true bill," and the indorsement signed by the foreman.

§ 118. When an indictment is found, the names of all the witnesses who were examined, must be written at the foot of, or on the indictment.

§ 119. The indictment must be presented by the foreman, in the presence of the grand jury, to the court, and filed with the clerk, and remain in his office as a public record.

ARTICLE II.

Form and requisites of an indictment.

§ 120. The indictment must contain—

1. The title of the prosecution, specifying the name of the court in which the indictment is presented, and the names of the parties.

2. A statement of the acts constituting the offense, in ordinary and concise language, and in such a manner as to enable a person of common understanding to know what is intended.

§ 121. It may be substantially of the following form:

FRANKLIN CIRCUIT COURT.

The commonwealth of Kentucky
against
George Smith.

The grand jury of Franklin county, in the name and by the authority of the commonwealth of Kentucky, accuse

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1. The party charged.

3. The county in which the offense was committed.

§ 123. An error as to the name of the defendant shall

**"The commonwealth of Kentucky
against**

A B, indicted by the name of C D."

§ 125. The offenses named in each of the subdivisions of this section may be charged in one indictment:

1. Larceny, and knowingly receiving stolen property.

2. Larceny, and obtaining money or property on false pretenses.

3. Larceny and embezzlement.

4. Robbery and burglary.

5. Robbery, and an assault with intent to rob.

6. Passing or attempting to pass counterfeit money or bank notes, knowing them to be such, and having in possession counterfeit money or bank notes, knowing them to be such, with the intention of circulating the same.

§ 126. Where an offense involves the commission or an attempt to commit an injury to person or property, and is described in other respects with sufficient certainty to identify the act, an erroneous allegation as to the person injured, or attempted to be injured, is not material.

§ 127. The indictment is sufficient if it can be understood therefrom—

1. That it was found by a grand jury of a county, or

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city, impaneled in a court having authority to receive it, though the name of the court is not accurately stated.

2. That the offense was committed within the jurisdiction of the court, and at some time prior to the time of finding the indictment.

3. That the act, or omission, charged as the offense, is stated with such a degree of certainty, as to enable the court to pronounce judgment on conviction, according to the right of the case.

§ 128. No indictment is insufficient, nor can the trial, judgment, or other proceeding thereon be affected, by any defect which does not tend to the prejudice of the substantial rights of the defendant on the merits.

§ 129. The statement in the indictment, as to the time at which the offense was committed, is not material further than as a statement that it was committed before the time of finding the indictment, except where the time is a material ingredient in the offense.

§ 130. If the indictment contains no statement of the place in which the offense was committed, it shall be considered as charged therein, that it was committed in the local limits of the jurisdiction of the court in which the grand jury was impaneled.

§ 131. Neither presumptions of law, nor matters of which judicial notice is taken, need be stated in an indictment.

§ 132. In pleading a judgment, or other determination of, or proceeding before a court or officer of special jurisdiction, it is not necessary to state the facts conferring jurisdiction, but the judgment, determination, or proceedings may be stated to have been duly given or made. Where it is necessary to prove the statement on the trial, the facts conferring the jurisdiction must be established.

§ 133. An indictment for libel need not set forth any extrinsic facts, for the purpose of showing the application, to the party libelled, of the defamatory matter; but it is sufficient to state generally that the same was published concerning him.

§ 134. When a written instrument, which is the subject of an indictment for forgery, larceny, or other offense, has been withheld, or destroyed, by the act or procurement of the defendant, and such destruction, or withholding, is alleged in the indictment, and proved on the trial, a misdescription of the instrument is immaterial.

§ 135. In an indictment for perjury, it is not necessary to set forth the pleadings, record, or proceedings, with which the oath is connected, so that the substance of the controversy, or matter in respect to which the offense was committed, is properly stated; nor is it necessary to set forth the commission or authority of the court, or person, before whom the oath alleged to be false was taken, so that it be stated in what court, or before whom, it was taken,

and that the court, or person, were authorized to administer the oath.

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§ 136. The words used in a statute to define an offense, need not be strictly pursued in an indictment, but other words conveying the same meaning may be used.

§ 137. The words used in an indictment must be construed according to their usual acceptation in common language, except words and phrases defined by law, which are to be construed according to their legal meaning.

CHAPTER 3.

Process upon an indictment.

§ 138. The process on an indictment consists of the writs for arresting or summoning the defendant to appear and answer the indictment.

§ 139. The process of arrest shall be issued by the clerk, upon the order of the court, and may be re-issued from time to time by order of the attorney for the commonwealth.

§ 140. Upon an indictment being found, if the defendant is not in custody, or on bail, the court shall forthwith make an order for process to be issued thereon, designating whether it shall be for arresting or summoning the defendant; and if for arresting the defendant, and the offense charged is bailable, the sum in which he may be admitted to bail shall be fixed.

§ 141. The process of arrest on an indictment shall be a bench warrant.

§ 142. A bench warrant may be substantially of the following form :

FRANKLIN CIRCUIT COURT.

The commonwealth of Kentucky, to any sheriff, coroner, jailer, constable, marshal, or policeman, in this state : You are hereby commanded forthwith to arrest A B, and bring him before the Franklin circuit court, to answer an indictment found in that court against him for felony, (or misdemeanor, as the case may be,) or, if the court be adjourned for the term, that you deliver him to the custody of the jailer of Franklin county. Given under my hand, this
day of 1853.

P. SWIGERT, Clerk F. C. C.

§ 143. If the offense be bailable, an indorsement shall be made on the bench warrant substantially as follows :

"The defendant is to be admitted to bail in the sum of dollars, and if he desire to give bail, it may be taken by a sheriff of the county in which he is arrested, or the sheriff of Franklin county."

§ 144. If the bench warrant be executed by any other officer than a sheriff, such officer, at the defendant's request, shall take him before a sheriff of the county in which he is arrested, or of the county in which the indictment was found, for the purpose of giving bail.

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§ 145. If the defendant is on bail, and the indictment is for an offense not bailable, and he appears in pursuance of the bail bond, he shall be forthwith committed to jail; and if he does not appear, on being required by the court, the bail bond shall be forfeited, and a bench warrant issued for his arrest.

§ 146. The summons on an indictment may be substantially of the following form:

“FRANKLIN CIRCUIT COURT.

“The commonwealth of Kentucky, to any sheriff, coroner, jailer, constable, marshal, or policeman, in this state: You are hereby commanded to summon A B, to appear in the Franklin circuit court, on the first day of its next June term, to answer an indictment for misdemeanor found against him in that court. Given under my hand, this
day of 1853.

“P. SWIGERT, Clerk F. C. C.”

§ 147. The summons shall be issued and served in the same manner as a summons in civil actions.

§ 148. The summons shall only be issued on indictments for misdemeanor, where the court has not ordered a bench warrant to issue, and may be issued without any order by the court.

§ 149. The court may, at its discretion, order a bench warrant to be issued on any indictment; but where the punishment is limited to a fine of one hundred dollars or less, a bench warrant shall not be issued, unless the court is satisfied that there is reason to believe the defendant will escape punishment if a bench warrant is not issued.

CHAPTER 4.

Production of evidence.

§ 150. The clerk of the court, upon the request of the commonwealth's attorney, or of the defendant, or his attorney, shall issue subpoenas for witnesses.

§ 151. The provisions of the Code of Practice in civil actions, shall apply to and govern the summoning and coercing the attendance of witnesses, and compelling them to testify, in all prosecutions, criminal or penal actions or proceedings, except that the attendance of witnesses residing in any part of the state may be coerced, and it shall never be necessary to tender to the witnesses any compensation for expenses, or otherwise, before process of contempt shall issue.

§ 152. The court, on motion of either party, may by its order and process compel the production of any written document, or of any other thing which may be necessary or proper to be produced or exhibited as evidence on the trial, and may punish a disobedience of its orders or process, as in cases of witnesses refusing to testify.

§ 153. The court, or judge, in vacation, may authorize a defendant to take the deposition of a material witness whose death is apprehended; the materiality of the witness, and the apprehension of his death, being shown by affidavit. The court, or judge, shall, by a written order, prescribe the manner of taking the deposition, whether by interrogatories or upon notice to the commonwealth's attorney. Upon the death of the witness, and in no other case, the deposition taken in pursuance of such order may be read as evidence.

CHAPTER 5.

Arraignment and pleadings by the defendant.

§ 154. An arraignment is the reading of the indictment by the clerk, to the defendant, and asking him if he pleads guilty, or not guilty, to the indictment.

§ 155. The arraignment shall only be made in indictments for felony, and may be dispensed with by the court, with the defendant's consent.

§ 156. If the court shall be of opinion that there are reasonable grounds to believe that the defendant is insane, all proceedings in the trial shall be postponed until a jury be impaneled to inquire whether the defendant is of unsound mind, and if the jury shall find that he is of unsound mind, the court shall direct that he be kept in prison or conveyed by the sheriff to the nearest lunatic asylum, and there kept in custody by the officers thereof until he is restored, when he shall be returned to the sheriff on demand, to be re-conveyed by him to the jail of the county.

§ 157. Upon the arraignment, or upon the call of the indictment for trial, if there is no arraignment, the defendant must either move to set aside the indictment, or plead thereto.

§ 158. The motion to set aside the indictment can only be made on the following grounds:

1. A substantial error in the summoning or formation of the grand jury.
2. That some person, other than the grand jurors, was present before the grand jury when they acted upon the indictment.
3. That the indictment was not found and presented as required by this code.

§ 159. If the motion is sustained, the court shall make an order that the case be submitted to another grand jury, to be assembled at that or the next term of the court, and the defendant, if in custody, shall be remanded to jail, or if on bail, the bail shall be liable for the defendant's appearance to answer a new indictment, if one be found.

§ 160. Unless, however, a new indictment is found before the final discharge of the next grand jury, the defendant shall be discharged from custody, or bail, unless for good cause shown the court shall otherwise order.

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§ 161. If the motion is overruled, the defendant shall be required to plead to the indictment.

§ 162. The only pleading on the part of the defendant is a demurrer, or a plea.

§ 163. The demurrer and plea must be put in in open court, and may be oral, but an entry thereof must be made on the minutes.

§ 164. A demurrer is proper—

1. Where it appears from the indictment that the offense was not committed within the local jurisdiction of the court.

2. Where it does not substantially conform to the requirements of article 2, of chapter 2, of Title VI.

3. When more than one offense is charged in the indictment, except as provided in section 125.

4. Where the facts stated do not constitute a public offense.

5. Where the indictment contains matter which is a legal defense or bar to the prosecution.

§ 165. If the demurrer is sustained, on account of its appearing that the offense was not committed within the jurisdiction of the court, and it does appear that the offense is a felony, and was committed in the jurisdiction of another court in this state, the court shall make an order that the clerk transmit to the clerk of the court having jurisdiction of the offense, a copy of the indictment, and all the original papers, including the bail bond, if any there be; and if the defendant be in custody, that he be carried and delivered, with a copy of the order, to the jailer of the county to which the papers are directed to be transmitted; and said order, and the proceedings in obedience thereto, shall operate in all respects as an order of a magistrate holding a defendant to answer the charge, according to Title IV; and the bail, if any, shall be liable for the appearance of the defendant to answer an indictment in the court to which the papers are transmitted, and shall have the right of surrendering the defendant to the jailer of that county, or to that court.

§ 166. The same orders and proceedings may be had, whenever it appears on the trial, by proof, that the offense, being a felony, was committed out of the jurisdiction of the court in which the indictment was found, but within the jurisdiction of another court of this state.

§ 167. Where the indictment improperly charges more than one offense, the attorney for the commonwealth may dismiss one of them, and thereupon the demurrer shall not be sustained on that ground.

§ 168. If the demurrer is sustained because the indictment contains matter which is a legal defense or bar to the indictment, the judgment shall be final, and the defendant discharged from any further prosecution for the offense.

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§ 169. If the demurrer is sustained on any other grounds than those mentioned in the last four sections, the case may be submitted to another grand jury, and an order to that effect may be made by the court on the minutes, whereupon the defendant shall be held in custody, or on bail, in the manner and for the time provided in sections 159 and 160.

§ 170. If the demurrer is overruled, the defendant has the right to plead to the indictment; if he fails to do so, final judgment shall be entered against him, and, if necessary, a jury impannelled to fix the punishment.

§ 171. There are but three kinds of pleas to an indictment—

1. A plea of guilty.
2. Not guilty.
3. A former conviction or acquittal of the offense charged, which may be pleaded with or without the plea of not guilty.

§ 172. The plea of guilty can only be put in by the defendant himself in open court.

§ 173. At any time before judgment, the court may permit the plea of guilty to be withdrawn, and a plea of not guilty substituted.

§ 174. The plea of not guilty, is a denial of every material allegation in the indictment; and all matters of fact tending to establish a defense, other than a former conviction or acquittal, may be given in evidence under it.

§ 175. An acquittal by a judgment upon a verdict, or a conviction, shall bar another prosecution for the same offense, notwithstanding a defect in form or substance in the indictment on which the acquittal or conviction took place.

§ 176. Where an offense consists of different degrees, a conviction, or acquittal, by judgment upon a verdict, shall be a bar to another prosecution for the offense in any of its degrees.

§ 177. The dismissal of the indictment by the court, on demurrer, except as provided in section 168, or for an objection to its form or substance taken on the trial, or for variance between the indictment and the proof, shall not bar another prosecution for the same offense.

§ 178. The entry on the record of the demurrer and pleas may be substantially in the following form:

1. A demurrer: "The defendant demurs to the indictment."

2. A plea of guilty: "The defendant pleads that he is guilty of the offense charged in the indictment."

3. A plea of not guilty: "The defendant pleads that he is not guilty of the offense charged in the indictment."

4. A plea of former acquittal, or conviction: "The defendant pleads that he has been acquitted, (or convicted, as the case may be,) of the offense charged in the indictment,

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by the judgment of the court, (naming it,) rendered on the day of (naming the time.)"

§ 179. Neither a joinder in demurrer, nor a reply to the plea of former acquittal or conviction, shall be necessary; but the demurrer shall be heard and decided, and the plea shall be considered as controverted by denial, and by any matter of avoidance that may be shown in evidence.

CHAPTER 8.

*Trial.*ART. 1. *Mode of trial.*2. *Time of trial.*3. *Postponement of the trial.*4. *The jury.*5. *Conduct of the jury trial.*6. *Verdict.*

ARTICLE I.

Mode of trial.

§ 180. Issues of law shall be tried by the court. Issues of fact, in prosecutions where the punishment of a free person is limited to a fine of sixteen dollars, or of a slave to thirty-nine stripes, shall be tried by the court. All other issues of fact shall be tried by a jury.

§ 181. An issue of law arises on a demurrer to the indictment.

§ 182. An issue of fact upon a plea of not guilty, or of former acquittal, or conviction.

§ 183. If the indictment be for a felony, the defendant must be present, and shall remain in actual custody during the trial. If he escape from custody after the trial has commenced, the trial may either be stopped, or progress to a verdict, at the discretion of the commonwealth's attorney; but judgment shall not be rendered until the presence of the defendant is obtained.

§ 184. If the indictment is for a misdemeanor, the trial may be had in the absence of the defendant.

ARTICLE II.

Time of trial.

§ 185. If the defendant is in custody, or on bail, when the indictment is found, the trial may take place at the same term of the court, on a day to be fixed by the court.

§ 186. If not tried at the same term, all indictments, together with all other criminal prosecutions and penal actions, shall be docketed for the first day of the next term of the court, unless a different day be fixed by the order of the court.

§ 187. All prosecutions shall stand for trial on the day to which they are docketed, where the defendant is in custody, or on bail, or has been summoned three days before the commencement of the term.

ARTICLE III.

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Postponement of trial.

§ 188. When an indictment is called for trial, or at any time previous thereto, the court, upon sufficient cause shown by either party, may direct the trial to be postponed to another day in the same term, or to another term.

§ 189. The provisions of the Code of Practice in civil actions, in regard to postponements of the trial of actions, shall apply to the postponement of prosecutions, by the defendant.

ARTICLE IV.

The jury.

SUBDIVISION 1. *Formation of the jury.*

2. *Challenging the jury.*

SUBDIVISION 1.

Formation of the jury.

§ 190. The jury for the trial of criminal prosecutions shall be selected and summoned as provided in the Revised Statutes.

§ 191. When an issue of fact in a criminal prosecution, whether for felony or misdemeanor, is about to be tried, the clerk shall draw, in the manner directed by the Revised Statutes, the names of twelve jurors, who, if not challenged by the parties, or excused by the court, shall compose the trial jury.

§ 192. If one or more are excused, or challenged, the clerk shall draw the names of other jurors to fill the panel, until the list of standing jurors is exhausted, when the court shall order such a number of qualified jurors as it shall deem sufficient to complete the jury, to be summoned by the sheriff, and the panel shall be filled from time to time from the jurors so summoned, and if they are exhausted, similar orders may be made for summoning other jurors, until the jury is completed.

§ 193. The court may, for sufficient cause, designate some other officer or person than the sheriff to summon jurors, the officer or person designated being first duly sworn in open court to discharge the duty faithfully and impartially.

§ 194. Where the judge of the circuit court is satisfied, after having made a fair effort, in good faith, for that purpose, that, from any cause, it will be impracticable to obtain a jury free of bias in the county wherein the prosecution is pending, he shall be authorized to order the sheriff to summon a sufficient number of qualified jurors from some adjoining county in which the judge shall believe there is the greatest probability of obtaining impartial jurors, and from those so summoned the jury may be formed.

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§ 195. The jurors so summoned shall be allowed the same mileage as witnesses, and if received as jurors the same pay as other jurors.

§ 196. The sheriff shall have the same power of summoning jurors under such order that he would have in the county of which he is the sheriff, and the court the same power of coercing the attendance of such jurors that it would have if they were summoned in the same county.

SUBDIVISION II.

Challenging the jury.

§ 197. A challenge is an objection to the trial jurors, and is of two kinds:

1. To the panel.
2. To the individual juror.

§ 198. When several defendants are tried together, the challenge of any one of the defendants shall be considered the challenge of all.

§ 199. A challenge to the panel shall only be for a substantial irregularity, in selecting or summoning the jury, or in drawing the panel by the clerk.

§ 200. Where the challenge is sustained on the ground of irregularity in selecting or summoning the jury, all the standing jurors shall be excluded from the trial jury, and it shall be composed of persons summoned by the sheriff, or other officer appointed by the court for that purpose; if sustained, because of irregularity in drawing the panel, all the names of the standing jury shall be replaced and another panel drawn.

§ 201. The challenge to the individual juror is either—

1. Peremptory; or,
2. For cause.

§ 202. It must be taken before he is sworn in chief, but the court, for good cause, may permit it to be made at any time before the jury is completed.

§ 203. The defendant is entitled to twenty peremptory challenges in prosecutions for felony, and to three in prosecutions for misdemeanor.

§ 204. The commonwealth shall be entitled to five peremptory challenges in prosecutions for felony, and to three in prosecutions for misdemeanor.

§ 205. The challenge for cause may be taken either by the commonwealth, or by the defendant.

§ 206. It may be general, that the juror is disqualified from serving in any case, or particular, that he is disqualified from serving in the case on trial.

§ 207. Causes of general challenge are—

1. A want of the qualifications prescribed in the Revised Statutes.
2. A conviction for a felony.
3. Unsoundness of mind, or such defect in the faculties

of the mind, or organs of the body, as render him incapable of properly performing the duties of a juror.

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§ 208. Particular causes of challenge are actual and implied bias.

§ 209. Actual bias, is the existence of such a state of mind on the part of the juror, in regard to the case, or to either party, as satisfies the court in the exercise of a sound discretion, that he cannot try the case impartially and without prejudice to the substantial rights of the party challenging.

§ 210. A challenge for implied bias may be taken—

1. Where the juror is related by consanguinity, or affinity, or stands in the relation of guardian and ward, attorney and client, master and servant, landlord and tenant, employer and employed on wages, or is a member of the family of the defendant, or of the person alleged to be injured by the offense charged, or on whose complaint the prosecution was instituted.

2. Being adverse to the defendant in a civil suit, or having complained against or been accused by him in a criminal prosecution.

3. Having served on the grand jury which found the indictment, or on the coroner's jury which inquired into the death of the party, whose death is the subject of the indictment.

4. Having served on a trial jury, which has tried another person for the offense charged in the indictment.

5. Having been one of a former jury sworn to try the same indictment, and whose verdict was set aside, or who were discharged without a verdict.

6. Having served as a juror in a civil action brought against the defendant for the act charged in the indictment.

7. When the offense is punishable with death, the entertaining of such conscientious opinions as would preclude him from finding the defendant guilty.

§ 211. Challenges shall be tried and determined by the court in a summary manner, without the issues of law or fact arising thereon being reduced to writing.

§ 212. The juror himself may be examined on oath by either party upon the challenge.

§ 213. Other witnesses may also be examined, and their attendance coerced.

§ 214. The challenges to the juror shall first be made by the commonwealth, and then by the defendant, and each party must exhaust his challenges to each juror before the other begins.

§ 215. The challenges of either party need not be all taken at once, but separately, in the following order:

1. To the pannel.

2. To the individual juror for general disqualification.

3. To the individual juror for implied bias.

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4. To the individual juror for actual bias.

5. Peremptory.

§ 216. An exemption from serving on a jury is not a cause of challenge.

ARTICLE V.

Conduct of the jury trial.

§ 217. When a jury consisting of twelve qualified jurors shall have been duly impaneled, they shall be sworn substantially as follows :

"You, and each of you, do solemnly swear, that you will well and truly try the issue, and a true verdict render, in the case of the commonwealth of Kentucky, against A B, defendant."

§ 218. If no issue is made by the pleadings, the words "well and truly try the issue, and" shall be omitted from the oath.

§ 219. The clerk, or commonwealth's attorney, shall then read to the jury the indictment, and state the defendant's plea.

§ 220. The counsel for the commonwealth must then offer the evidence in support of the indictment.

§ 221. The defendant, or his counsel, must then offer his evidence in support of his defense.

§ 222. The parties may then respectively offer rebutting evidence only, unless the court, for good reason, in furtherance of justice, permit them to offer evidence upon their original case.

§ 223. When the evidence is concluded, if the case is not submitted to the jury without argument, the defendant or his counsel shall commence, and the counsel for the commonwealth conclude, the argument to the jury, unless the defendant's only plea is a former conviction or acquittal, when the order of argument shall be reversed.

§ 224. If more than one counsel on each side argue the case, they shall do so alternately.

§ 225. The court shall then, on the motion of either party, instruct the jury on the law applicable to the case, which shall always be given in writing.

§ 226. During the trial of an indictment for felony, the defendant shall be committed to and remain in the custody of the proper officer.

§ 227. If, during the trial, it shall appear that the offense was committed out of the jurisdiction of the court, but within the jurisdiction of some other court of this state, the court shall stop the trial, discharge the jury, and take the proceedings in the case directed in sections 165 and 166.

§ 228. If it appears that the offense was committed out of the state, the trial shall in like manner be stopped, and the defendant either discharged, or ordered to be retained in custody for a reasonable time, until the counsel for the commonwealth shall have an opportunity to inform the

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chief executive officer of the state in which the offense was committed of the facts, and for said officer to require the delivery of the offender.

§ 229. If, during the trial, the court shall be of opinion that the facts proved constitute an offense of a higher nature than that charged in the indictment, it may direct the jury to be discharged, and all proceedings to be suspended, until the case can be re-submitted to a grand jury, and may order the defendant to be committed, or admit him to bail, to answer any new indictment which may be found against him for the highest offense. If an indictment is not found for the higher offense before the next grand jury are discharged, the court must proceed to try the defendant on the original indictment.

§ 230. If, during the trial, the court is of opinion that the facts charged in the indictment do not constitute an offense punishable by law, it shall order the jury to be discharged and the indictment to be quashed, and thereupon take the proceedings directed in section 169.

§ 231. Where two or more persons are included in the same indictment, and the court is of opinion that the evidence in regard to a particular individual is not sufficient to put him on his defense, it must, on the motion of either party desiring to use such defendant as a witness, order him to be discharged from the indictment, and permit him to be examined by the party so moving. The order is an acquittal of such defendant, and a bar to another prosecution for the same offense.

§ 232. All questions of law arising during the trial shall be decided by the court, and the jury shall be bound to take the decisions of the court on points of law, as the law of the case.

§ 233. When, in the opinion of the court, it is necessary that the jury should view the place in which the offense is charged to have been committed, or in which any other material fact occurred, it may order the jury to be conducted in a body, in the custody of proper officers, to the place, which must be shown to them by the judge, or by a person appointed by the court for that purpose. The officers must be sworn to suffer no person to speak to or communicate with the jury on any subject connected with the trial, nor do so themselves, except the mere showing of the place to be viewed, and return them into court without necessary delay, or at a specified time.

§ 234. Where two or more defendants are jointly indicted for a felony, any defendant requiring it, is entitled to a separate trial. Where jointly indicted for a misdemeanor, they may be tried jointly or separately, in the discretion of the court.

§ 235. Where there is a reasonable doubt of the defendant being proven to be guilty, he is entitled to an acquittal.

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§ 236. Where there is a reasonable doubt of the degree of the offense which the defendant has committed, he shall only be convicted of the lower degree.

§ 237. A confession of a defendant, unless made in open court, will not warrant a conviction, unless accompanied with other proof, that such an offense was committed.

§ 238. A conviction cannot be had upon the testimony of an accomplice, unless corroborated by other evidence tending to connect the defendant with the commission of the offense; and the corroboration is not sufficient if it merely shows that the offense was committed, and the circumstances thereof.

§ 239. In all cases where, by law, two witnesses, or one witness with corroborating circumstances, are requisite to warrant a conviction, if the requisition is not fulfilled, the court shall instruct the jury to render a verdict of acquittal, by which instruction they are bound.

§ 240. The attorney of the commonwealth, with the permission of the court, may at any time before the case is finally submitted to the jury, dismiss the indictment as to all or a part of the defendants, and such dismissal shall not bar a future prosecution for the same offense.

§ 241. The jurors, before the case is submitted to them, may, in the discretion of the court, be permitted to separate, or be kept together in the charge of proper officers. The officers must be sworn to keep the jury together during the adjournment of court, and to suffer no person to speak to or communicate with them, on any subject connected with the trial, nor do so themselves.

§ 242. The jury, whether permitted to separate or kept in charge of officers, must be admonished by the court that it is their duty not to permit any one to speak to or communicate with them on any subject connected with the trial, and that all attempts to do so should be immediately reported by them to the court, and that they should not converse among themselves on any subject connected with the trial, or form or express any opinion thereon until the cause is finally submitted to them. This admonition must be given or referred to by the court at each adjournment.

§ 243. A suitable room must be provided for the use of the jury on their retirement for deliberation, with suitable furniture, fuel, lights, and stationery.

§ 244. After the cause is submitted to the jury, they must be kept together in the charge of the sheriff in the room provided for them, except during their meals and periods for sleep, unless they be permitted to separate by order of the court. Suitable food and lodging must be provided by the sheriff, and the expense thereof paid by the trustee of the jury fund, and deducted from the compensation to the jurors.

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§ 245. Upon retiring for deliberation, the jury may take with them all papers which have been received as evidence in the cause.

§ 246. After the jury retires for deliberation, if there is a disagreement between them as to any part of the evidence, or if they desire to be informed on a point of law, they must require the officer to conduct them into court. Upon their being brought into court, the information required must be given in the presence of or after notice to the counsel of the parties.

§ 247. If, after retirement, one of the jurors become so sick as to prevent the continuance of his duty, or other accident or cause occur, preventing them being kept together, or if, after being kept together such a length of time as the court deems proper, they do not agree in a verdict, and it satisfactorily appears that there is no probability they can agree, the court may discharge the jury.

§ 248. In all cases where a jury is discharged, either in the progress of a trial or after the cause is submitted to them, the cause may be again tried at the same or another term of the court.

§ 249. While the jury are absent, the court may adjourn from time to time as to other business, but it shall be deemed open for every purpose connected with the cause submitted to the jury, until a verdict is rendered or the jury discharged.

§ 250. A final adjournment of court discharges a jury.

ARTICLE VI.

Verdict.

§ 251. When the jury have agreed upon their verdict, they must be conducted into court by the officer having them in charge, their names called by the clerk, and, if they all appear, their foreman must declare their verdict.

§ 252. The jury may render either a general or a special verdict.

§ 253. A general verdict upon a plea of not guilty, is either "guilty" or "not guilty;" upon a plea of former conviction or acquittal, "for the commonwealth," or "for the defendant;" and upon the verdict of "guilty," or "for the commonwealth," affixing the punishment, if the amount thereof is not determined by law.

§ 254. A special verdict is a finding of the facts only, leaving the law arising on the facts to the judgment of the court, with an ascertainment of the punishment in the event that the court pronounces a judgment of conviction on the verdict.

§ 255. A special verdict must present the conclusions of fact as established by the evidence, and not the evidence of those facts; and the facts must be so presented that the court has nothing to do but draw the conclusions of law upon them.

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§ 256. The special verdict must be reduced to writing by the jury, and read to them in the presence of the court. It shall not be received by the court, unless it pronounces affirmatively or negatively on the facts necessary to enable the court to give judgment.

§ 257. Upon an indictment for an offense consisting of different degrees, the defendant may be found guilty of any degree not higher than that charged in the indictment, and may be found guilty of any offense included in that charged in the indictment.

§ 258. The offenses named in each of the subdivisions of this section shall be deemed degrees of the same offense, in the meaning of the last section:

1. All offenses of homicide.
2. All injuries to the person, by maiming, wounding, beating and assaulting, whether malicious or from sudden passion, and whether attended or not with the intention to kill.
3. All offenses of larceny.
4. Arson and house burning.
5. Burglary and house breaking.
6. An offense, and an attempt to commit the offense, where the attempt is punishable.

Offenses punished capitally are of the highest degree; other felonies are of higher degree than misdemeanors; and those punished by imprisonment of higher degree than those punished by fine alone. Where the punishment is the same in kind, the amount that may be inflicted fixes the degree.

§ 259. Where an offense is charged in an indictment to have been committed with particular circumstances as to time, place, person, property, value, motive, or intention, the offense without the circumstances, or with part only, is included in the offense, although that charged may be a felony, and the offense, without the circumstances, a misdemeanor only.

§ 260. Where the proof shows the defendant to be guilty of a higher degree of the offense than is charged in the indictment, the jury shall find him guilty of the degree charged in the indictment.

§ 261. Upon an indictment against several, if the jury cannot agree as to all, they may render a verdict as to those concerning whom they do agree, and the case as to the others may be tried by another jury.

§ 262. Upon a verdict being rendered, the jury may be polled, at the instance of either party, which consists of the clerk or judge asking each juror if it is his verdict, and if one answers in the negative the verdict cannot be received.

§ 263. If the defense be the insanity of the defendant, the jury must be instructed, if they acquit him on that ground, to state the fact in their verdict, and thereupon the

court may order the defendant to the lunatic asylum until he is sane.

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CHAPTER 7.

New trial and arrest of judgment.

§ 264. A new trial is the re-examination of an issue of fact in the same court by another jury, after a verdict has been given.

§ 265. The granting of a new trial places the parties in the same position as if no trial had been had. All the testimony must be produced anew, and the former verdict cannot be used or referred to in evidence or in argument.

§ 266. The court in which a trial is had upon an issue of fact may grant a new trial, when a verdict is rendered against the defendant, by which his substantial rights have been prejudiced, upon his motion, in the following cases:

1. Where the trial in a case of felony was commenced and completed in his absence.

2. Where the jury has received any evidence out of court other than that resulting from a view as provided in this code.

3. Where the verdict has been decided by lot, or in any other manner than by a fair expression of opinion by the jurors.

4. Where the court has misinstructed or refused properly to instruct the jury.

5. Where the verdict is against law or evidence.

6. Where the defendant has discovered important evidence in his favor since the verdict.

7. Where, from the misconduct of the jury, or from any other cause, the court is of opinion that the defendant has not received a fair and impartial trial.

§ 267. A juror cannot be examined to establish a ground for a new trial, except it be to establish as a ground for a new trial that the verdict was made by lot.

§ 268. The application for a new trial must be made at the same term at which the verdict is rendered, unless the judgment is postponed to another term, in which case it may be made at any time before judgment.

§ 269. A motion in arrest of judgment is an application on the part of defendant that no judgment be rendered upon a verdict against him, or on a plea of guilty.

§ 270. The only ground upon which a judgment shall be arrested, is that the facts stated in the indictment do not constitute a public offense within the jurisdiction of the court.

§ 271. The motion may be made at any time before judgment, or after judgment during the same term of the court.

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§ 272. The court may arrest the judgment, without motion, on observing the defect in the indictment, named in section 270.

§ 273. If the court is of opinion, from the evidence on the trial, that the defendant is guilty of a public offense, he may be detained in custody, or on bail, in the manner and for the time prescribed in sections 159 and 160; but otherwise he shall be discharged on the arrest of judgment.

CHAPTER 8.

Bills of exception.

§ 274. Upon the trial of criminal or penal prosecutions, either party may except to any decision of the court by which the substantial rights of such party are prejudiced, subject to the restrictions in the next section.

§ 275. The decisions of the court upon challenges to the panel, and for cause, upon motions to set aside an indictment, and upon motions for a new trial, shall not be subject to exception.

§ 276. The exception shall be shown upon the record, by a bill of exceptions, prepared, settled, and signed, as provided in the Code of Practice in civil cases.

CHAPTER 9.

Judgment.

§ 277. Upon verdicts in cases of misdemeanor, and verdicts of acquittal in cases of felony, and upon trials by the court, and upon a plea of guilty, the court may immediately render judgment; but upon verdicts of conviction in cases of felony, the court shall not pronounce judgment until two days after the verdict is rendered, unless the court is about to adjourn for the term, and then in not less than six hours after the verdict, except by the defendant's consent.

§ 278. Judgment shall not be rendered against a defendant in cases of felony, except in his presence. If he is in custody, he shall be brought into court by the proper officer, and if not in custody, a bench warrant shall be issued for his arrest, similar to the bench warrant on indictments.

§ 279. When the defendant appears for judgment, he must be informed by the court of the nature of the indictment, his plea and the verdict thereon, if any; and he must be asked if he has any legal cause to show why judgment should not be pronounced against him.

§ 280. He may show for cause against the judgment any sufficient ground for a new trial, or for arrest of judgment; he may also show that he is insane. If the court is of opinion that there is reasonable ground for believing he is insane, the question of his insanity shall be determined by a jury of twelve qualified jurors, to be summoned and im-

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pronounced as directed by the court. If the jury do not find him insane, judgment shall be pronounced. If they find him insane, he must be kept in confinement, either in the county jail or lunatic asylum, until, in the opinion of the court, he becomes sane, when judgment shall be pronounced.

§ 281. If the defendant is convicted of two or more offenses, the punishment of each of which is confinement, the judgments shall be so rendered that the punishment in one case shall commence after the termination of it in the others.

§ 282. If the punishment of an offense be a fine, the judgment may direct that the defendant be imprisoned until the fine is paid, specifying, however, the extent of imprisonment, which shall not exceed one day for each two dollars of the fine.

§ 283. Where judgment of death is pronounced, the day of the execution thereof shall be fixed in the judgment, and shall not be in less than thirty days after the judgment.

§ 284. In judgments against the defendant for a misdemeanor, a judgment for costs, in addition to the other punishment, shall be rendered, which shall be taxed by the clerk, and shall be for the benefit of the officers rendering the services.

§ 285. Where judges of the county court, justices of the peace, sheriffs, coroners, surveyors, jailers, county assessors, attorney for the county, constables, city or police judges, clerks and marshals, shall be convicted upon an indictment for malfeasance or misfeasance in office, or for willful neglect in the discharge of their official duties, or for any offense which by the statute law, or constitution, creates a forfeiture of their offices, the court shall render a judgment of removal from office, in addition to the other penalties and punishment prescribed by law.

CHAPTER 10.

Execution.

§ 286. Where a judgment of death or confinement, either in the penitentiary or the county jail, is pronounced, a certified copy thereof must be furnished forthwith to the sheriff, who shall thereupon execute it, and no other warrant or authority is necessary to its execution.

§ 287. The judgment of death must be executed by the sheriff on the day designated in the judgment, between sunrise and sunset, by hanging the defendant by the neck until he is dead.

§ 288. The only officers who shall have the power of suspending the execution of a judgment of death, are the governor, and, in cases of insanity or pregnancy of the defendant, the sheriff, as provided in the next section; and

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In cases of appeals, the clerk of the court of appeals, as prescribed in title 9, chapter 1, article 1.

§ 289. When the sheriff is satisfied that there are reasonable grounds for believing that the defendant is insane or pregnant, he may summon a jury of twelve persons on the jury list, drawn by the clerk, who shall be sworn by the sheriff well and truly to inquire into the insanity or pregnancy of the defendant, and a true inquisition return; and they shall examine the defendant and hear any evidence that may be presented; and by a written inquisition, signed by each of them, find as to the insanity or pregnancy. And unless the inquisition find the defendant insane or pregnant, the sheriff shall not suspend the execution; but if the inquisition find the defendant insane or pregnant, he shall suspend the execution, and immediately transmit the inquisition to the governor.

§ 290. Whenever a judgment of death has not been executed on the day appointed therefor by the court, from any cause whatever, the governor, by a warrant under his hand and the seal of the state, shall fix the day of the execution, which warrant shall be obeyed by the sheriff, and no one but the governor can then suspend its execution.

§ 291. The sheriff, in executing a judgment of confinement, shall deliver the defendant, with a certified copy of the judgment, to the keeper of the penitentiary, or to the jailer, according to the judgment.

§ 292. In carrying the defendant to the penitentiary, the sheriff shall have all the powers of preventing an escape, of resisting an effort to rescue the defendant, and of recapturing him, and of summoning persons to his aid, that he would have in executing a warrant of arrest in his county.

§ 293. The sheriff shall make a written return of the execution of the judgment of death or imprisonment, and file the same with the clerk of the court in ten days after such execution.

§ 294. Upon judgments for fines, whether rendered on indictments, penal actions, or otherwise, writs of execution, as provided in the Revised Statutes, may be issued against the person or property of the defendant.

§ 295. Upon judgments against bail, only such executions shall be issued as may be issued upon judgments in civil actions for debt.

§ 296. A certified copy of the judgment delivered to the sheriff shall authorize and require him to execute a judgment for the abatement or removal of a nuisance, or for any other thing than the payment of money by the defendant; and he shall make a return of his executing it, and file the same with the clerk of the court, in sixty days after the copy is delivered to him.

§ 297. The defendant shall not be held in confinement under an execution for a fine for a longer period than at

the rate of one day for each two dollars for the fine; but such confinement shall not discharge the fine, which thereafter can only be collected by proceedings against the defendant's property. But the provisions of this section shall not apply to judgments in city or police courts, which may be discharged by confinement in the city workhouse, according to the provisions of the special statutes regulating them.

TITLE VII.

PROCEEDINGS IN POLICE OR CITY COURTS.

§ 298. No indictment shall be necessary in prosecutions for violation of the by-laws or ordinances of a city or town, nor in other prosecutions in police or city courts, unless the punishment of the offense exceeds a fine of one hundred dollars, or confinement for thirty days.

§ 299. Where the police or city court has jurisdiction of offenses which can only be prosecuted by indictment, the court may order the peace officer, whose duty it is to attend the court, to summon a competent number of grand jurors, the qualifications of whom shall be as prescribed in the Revised Statutes, and who shall be sworn, and have the powers and duties prescribed in chapter 1 of title 6.

§ 300. The judge of the police or city court may, by orders entered on its minutes, fix terms for its sessions, to which process shall be returnable, but may hold the court at any time for the transaction of business brought before him.

§ 301. When a person has been arrested and brought before the city court or the judge thereof, charged with an offense within the jurisdiction of such court, and not requiring an indictment, he shall be forthwith tried, or, at the discretion of the judge, held to bail for his future appearance for trial, or discharged from custody.

§ 302. Upon information given by a peace officer, or by a private person, on oath, to the clerk of the court, that an offense within the jurisdiction of such court, and not requiring an indictment for its prosecution, has been committed, the clerk shall issue a summons against the offender.

§ 303. The summons mentioned in the last section shall command the peace officer to whom it is directed to summon the defendant, naming him, to appear in the court, on a day to be named in the summons, to answer the charge made against him, of having committed an offense, naming, or briefly describing it, and return the summons on a day to be named. It shall be signed by the clerk, and directed to the marshal of the town or city, but may be executed by any peace officer of the city or county.

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§ 304. Upon information on oath made to the judge of the court, he may order a warrant of arrest to be issued, which shall be similar to the summons, except in the command to arrest the defendant, instead of summon him.

§ 305. All prosecutions in such courts shall stand for trial immediately, where the defendant is in custody, or on bail for the offense charged, or on the day to which the defendant has been summoned to appear, provided the summons was executed within the limits of the court's jurisdiction one day, or elsewhere ten days, before the day on which he is warned to appear. If not executed as above provided, the trial shall be postponed to a day to be fixed by the court.

§ 306. The summons shall be executed by the officer reading it to the defendant, or stating to him its contents; and, if required, the officer shall show it to him.

§ 307. The clerk shall issue subpoenas for witnesses at the request of the officers of the city, or of the defendant, and the court may compel their attendance in the manner and by the process prescribed in the civil code.

§ 308. The court may, for good cause, grant continuances or postponements of the trial.

§ 309. The provisions of this code in title 6, so far as applicable, shall govern the proceedings of police or city courts, except as provided in this title.

§ 310. No written information or pleadings are required in prosecutions in which an indictment is unnecessary.

§ 311. The issues of law and of fact shall be tried by the judge, except where the defendant is a free person, and the punishment of the offense is not limited to a fine of sixteen dollars, or less, and the defendant demands a trial by jury, in which case the issues of fact shall be tried by a jury.

§ 312. Where the judge acts as the clerk of the court, the provisions of this title as to the clerk shall apply to him.

§ 313. Mayors' courts, and courts held by chairmen of trustees of towns, are police courts in the meaning of this code.

§ 314. The laws regulating the proceedings in the Louisville city court, and prescribing the powers and duties of the officers of said court, shall not be changed by the provisions of this title, but remain in full force; and the provisions of this title shall only apply to said court so far as they are consistent with the existing laws regulating said court.

TITLE VIII.

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PROCEEDINGS IN JUSTICES' COURTS.

§ 315. Where a person is brought or, in obedience to a bail bond, comes before a justice of the peace, charged with the commission of an offense within the jurisdiction of his court, as prescribed in title 2, the justice shall forthwith proceed to the trial of the charge, or for sufficient cause may postpone the trial to a future day.

§ 316. If the trial is postponed, the defendant may be committed to the custody of a peace officer, or to jail, or discharged upon bail or without bail.

§ 317. It shall be the duty of the justice to require bail of the defendant, upon its being made to appear, that unless bail be required, he will probably escape punishment, or that his discharge without bail would endanger persons or property; in which latter case the justice may also require security for the peace or for good behavior.

§ 318. Where from his personal knowledge, or from information given to him on oath, a justice is satisfied that there are reasonable grounds for believing that a person has committed a public offense within the jurisdiction of his court, he shall either issue a warrant of arrest or a summons against such person.

§ 319. The warrant of arrest shall not be issued, unless the offense charged is one of actual or apprehended violence to person or property, accompanied with a breach of the peace, or the justice is satisfied that there are reasonable grounds for believing that the defendant will escape punishment unless arrested.

§ 320. The warrant of arrest, and the summons shall be similar to those prescribed in Title VII.

§ 321. The justice shall issue subpoenas for witnesses, and for the production of documentary evidence, and enforce their attendance or production as prescribed in the code of practice in civil actions.

§ 322. No written information or pleadings shall be required in prosecutions in justices' courts.

§ 323. The issues of law and of fact shall be tried by the justice, except where the defendant is a free person, and the punishment is not limited to a fine of sixteen dollars or less, and demands a trial by jury, in which case the questions of fact shall be tried by a jury.

§ 324. Upon a jury trial being lawfully demanded, the justice shall order a peace officer to summon a sufficient number of qualified jurors, from which the jury may be formed.

§ 325. The provisions of Title VI, so far as applicable, shall govern the trial, verdict, judgment and execution, in prosecutions in justices' courts, except as provided in this title.

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TITLE IX.

APPEALS.

- CHAPTER 1. *To the court of appeals.*
 2. *To circuit courts.*
 3. *To quarterly courts.*

CHAPTER 1.

To the court of appeals.

- ARTICLE 1. *In felonies.*
 2. *In misdemeanors.*
 3. *General provisions.*

ARTICLE 1.

In felonies.

§ 326. The court of appeals shall have appellate jurisdiction in prosecutions for felonies, subject to the restrictions contained in this article.

§ 327. An appeal shall only be taken on a final judgment, except on behalf of the commonwealth.

§ 328. An appeal may be taken by the defendant in the following manner only:

1. The appeal must be prayed during the term at which the judgment is rendered, and the prayer noted on the record in the circuit court

2. The appeal shall only be allowed by a judge of the court of appeals after an examination of a certified transcript of the complete record, and being thereupon satisfied that there are reasonable grounds for believing that errors to the prejudice of the defendant have been committed, for which the judgment should be reversed.

3. The appeal is taken, by lodging in the clerk's office of the court of appeals, within sixty days after the judgment, a certified transcript of the record, with the certificate of the allowance of the appeal indorsed on the transcript, under the signature of one of the judges of the court of appeals. The clerk of the court of appeals shall thereupon issue a certificate that an appeal has been taken, which shall suspend the execution of the judgment.

§ 329. If the judge of the court of appeals refuses an appeal, he shall indorse upon the record the words "an appeal refused," with his signature thereto, and forthwith transmit to the clerk of the court of appeals a certificate of his refusal. After such refusal no appeal shall be taken, and if surreptitiously obtained afterwards, shall be immediately dismissed by the court.

§ 330. Where an appeal on behalf of the commonwealth is desired, the commonwealth's attorney shall pray the appeal during the term at which the decision is rendered, whereupon the clerk shall immediately make a transcript of the record and transmit the same to the attorney general, or deliver the transcript to the commonwealth's attor-

ney, to be transmitted by him. If the attorney general, on inspecting the record, is satisfied that error has been committed to the prejudice of the commonwealth, and upon which it is important to the correct and uniform administration of the criminal law that the court of appeals should decide, he may, by lodging the transcript in the clerk's office of the court of appeals, within sixty days after the decision, take the appeal.

§ 331. No summons or notice shall be necessary upon an appeal.

§ 332. A judgment in favor of the defendant which operates as a bar to a future prosecution for the offense shall not be reversed by the court of appeals.

§ 333. A judgment of conviction shall only be reversed for the following errors of law to the defendant's prejudice appearing on the record :

1. An error of the circuit court in admitting or rejecting important evidence.

2. An error in instructing or in refusing to instruct the jury.

3. An error in failing to arrest the judgment.

4. An error in allowing or disallowing a peremptory challenge.

§ 334. A judgment shall not be reversed for an error of the court in instructing or refusing to instruct the jury, unless the bill of exceptions contain all the instructions given by the court to the jury, and unless it shall thereupon appear that the law applicable to the case was not correctly and fairly given to the jury.

§ 335. No appeal shall be taken after the defendant's death, and upon his death an appeal taken during his life shall abate, and shall not be revived.

§ 336. If a judgment of confinement in the penitentiary has been executed before the certificate of the appeal was delivered to the sheriff whose duty it was to execute the judgment, the defendant shall remain in the penitentiary during the pendency of the appeal, unless discharged by the expiration of his term of confinement, or by pardon; and upon a reversal, if a new trial is ordered, shall be removed back from the penitentiary to the county jail from which he was brought, by the sheriff of said county.

§ 337. Upon a mandate of reversal, ordering a new trial, being filed in the clerk's office of the circuit court in which the judgment of confinement in the penitentiary was rendered and executed, the clerk shall deliver to the sheriff a copy of the mandate, and a precept authorizing and commanding him to bring the defendant from the penitentiary to the county jail, which shall be obeyed by the sheriff and keeper of the penitentiary.

§ 338. If the defendant, upon the new trial, is again convicted, the period of his former confinement in the peni-

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tentiary shall be deducted by the court from the period of confinement fixed in the last verdict of conviction.

§ 339. When a judgment of death has been affirmed, and the day of execution passed, the clerk of the court of appeals shall transmit to the governor a certificate of the affirmance and of the judgment, to the end that a warrant for the execution of the judgment may be issued by the governor. An appeal by the commonwealth from a decision of the circuit court shall not suspend the proceedings in the case. The decisions of the court of appeals shall be obligatory on the circuit courts, as being the correct expositions of the law.

§ 340. Upon an appeal being prayed, the circuit court shall grant to the defendant a reasonable time for obtaining a transcript of the record, for submitting the transcript to a judge of the court of appeals for his allowance of the appeal, for filing the same in the clerk's office of the court of appeals, and obtaining the certificate of appeal.

ARTICLE II.

In misdemeanors.

§ 341. The court of appeals shall have appellate jurisdiction in prosecutions for misdemeanors, in the following cases only: where the judgment is for a fine exceeding one hundred dollars, or for imprisonment exceeding fifty days, and where the judgment is for the defendant in a case where a fine exceeding one hundred dollars, or confinement exceeding fifty days, could have been inflicted.

§ 342. The appeal shall be prayed during the term at which the judgment was rendered, and shall be granted upon the condition that the record is lodged in the clerk's office of the court of appeals within sixty days after the judgment.

§ 343. The appeal shall not suspend the execution of the judgment unless the defendant causes to be executed before the clerk of the circuit court a covenant by good security, to be approved by said clerk, for the payment, in case the judgment is affirmed, of the fine and costs, and costs of the appeal, and all damages thereon, and for the surrender of the defendant in execution of the judgment, where the judgment is for imprisonment, or on his failure so to surrender himself for the payment of a sum equal to two dollars for every day of imprisonment adjudged, and causes said covenant to be copied into the transcript, upon which being lodged with the clerk of the court of appeals, he shall issue a certificate that execution of the judgment is suspended.

§ 344. When the commonwealth's attorney prays an appeal the clerk shall forthwith make and certify a complete transcript of the record, and transmit the same to the attorney general, or deliver it to the commonwealth's attorney for that purpose; and if the attorney general, on in-

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specting the same, believes it proper to take the appeal, he shall do so, by filing the transcript in the clerk's office of the court of appeals, in sixty days after the judgment.

§ 345. No summons is necessary on an appeal.

§ 346. A judgment on a verdict of acquittal of an offense, the punishment of which is imprisonment, shall not be reversed.

§ 347. The judgment shall only be reversed for errors of law apparent on the record to the prejudice of the appellant.

§ 348. The following errors shall not be sufficient to reverse a judgment:

1. An error in allowing or overruling a challenge to the panel, or a challenge for cause.

2. An error in not setting aside an indictment, or in overruling a demurrer thereto.

3. An error in granting or refusing a new trial.

§ 349. Upon the affirmance of a judgment on the appeal of the defendant, an attorney's fee of twenty dollars shall be taxed as part of the costs of the appeal, to be equally divided between the attorney general and the attorney for the commonwealth, and upon the reversal of a judgment upon an appeal by the plaintiff, a fee of five dollars.

§ 350. Where the prosecution is by a penal action, the appeal shall be similar in all respects to appeals in civil actions.

§ 351. Where the execution of the judgment for a fine is suspended, as provided in this article, upon an affirmance of a judgment, damages at the rate of ten per cent. shall be awarded against the defendant, one fourth of which shall be for the use of the attorney general.

ARTICLE III.

General provisions.

§ 352. Appeals in criminal cases shall take precedence over all other business of the court, and be placed first upon the docket for trial.

§ 353. They shall stand for trial at the first term succeeding the lodging of the transcript in the clerk's office of the court of appeals, provided it is so lodged ten days before the commencement of the term.

§ 354. When an appeal by the defendant in a case of felony is lodged within ten days before the commencement of the term, or during the term, it shall stand for trial on the tenth day after it was so lodged.

§ 355. The appeal shall be decided at the same term at which it is tried.

§ 356. On the affirmance of a judgment, where the appeal is taken by the defendant, and on the reversal of the judgment, where the appeal is taken by the common-

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wealth, a judgment for costs shall be rendered against the defendant.

CHAPTER 2.

To Circuit Courts.

§ 357. The circuit courts shall have appellate jurisdiction over judgments of justices' courts in their respective counties, where the amount of the judgment against the defendant is fifty dollars or upwards.

§ 358. The commonwealth shall have no right of appeal from judgments of the justices' courts.

§ 359. When the defendant desires to appeal from a judgment of a justice's court, he shall obtain from the justice a copy of the warrant or summons, and of the judgment, and a statement of the costs, and file them in the clerk's office of the circuit court, and cause to be executed, by good security, to be approved by the clerk, a covenant to pay the costs of the appeal in the event of the affirmance of the judgment; and if he desires to suspend the collection of the judgment, a further covenant to pay the judgment which may be rendered against him on the appeal, and thereupon the clerk shall docket the appeal with the other commonwealth cases, and issue a certificate of the appeal; and if the covenant was executed for that purpose, a certificate that the collection of the judgment is suspended, which certificates shall be served on the justice, and if an execution has been issued, on the officer to whom it was delivered; and after the service of the certificate of suspension the justice shall issue no other execution, and the officer shall return the execution in his hands to the justice as suspended; and if a certificate of appeal only is served on the justice, he shall indorse on any execution he may thereafter issue that the money collected thereon shall be paid into the circuit court in which the appeal is pending, and the officer shall pay any money that he may collect on any execution in his hands, or thereafter receive, into the circuit court where the appeal is pending.

§ 360. Upon the appeal the case shall be tried anew, as if no judgment had been rendered, and the judgment shall be considered as affirmed if judgment for any amount is rendered against the defendant, and thereupon he shall be adjudged to pay the costs of the appeal.

§ 361. Upon an affirmance an attorney's fee of ten per cent. on the amount of the judgment shall be taxed as part of the costs, and the costs in the justice's court shall be taxed as part of the costs of the appeal.

§ 362. If judgment is rendered for the defendant, any money paid into the circuit court, which has been collected of the defendant on the original judgment, shall be forthwith returned to the defendant.

§ 363. No appeal shall be taken from a judgment of the justice's court after it has been paid or collected, nor after sixty days from the rendition of the judgment.

§ 364. Upon a judgment being rendered against the defendant on an appeal, and an execution issued thereon, in one year from its rendition, being returned unsatisfied, a summons shall be issued by the clerk, at the request of the commonwealth's attorney, against the security on the appeal and suspending covenants, requiring him to appear on the first day of the next term of the circuit court, to show cause why judgment should not be rendered against him on said covenants, which summons shall be directed, delivered, served, and returned as an ordinary summons in a civil action, and shall be docketed and stand for trial, and be tried as an ordinary civil action. If the security has any defense thereto, he shall put it in by answer, and the issues of law or of fact thereon shall be tried and decided.

CHAPTER 3.

To Quarterly Courts.

§ 365. The quarterly courts shall have appellate jurisdiction over judgments of justices' courts in their respective counties, where the amount exceeds ten and is less than fifty dollars. The provisions of the last chapter apply to appeals to the quarterly courts; the provisions as to the clerk applying to the judge thereof.

TITLE X.

PROCEEDINGS TO PREVENT THE COMMISSION OF OFFENSES.

CHAP. 1. *Suppression of riots, and of resistance to lawful authority.*

2. *Requiring security to keep the peace, or for good behavior.*
3. *Arrest and confinement of insane, drunken, and disorderly persons.*
4. *Habeas corpus.*

CHAPTER 1.

Suppression of riots, and of resistance to lawful authority.

§ 366. When a sheriff or other public officer authorized to execute process finds or has reason to apprehend that resistance will be made to the execution of the process, he may command as many male inhabitants of his county as he may think proper, and any military companies in his county, armed and equipped, to assist him in overcoming the resistance, and in arresting and confining the resisters and their aiders and abettors, to be punished according to law.

§ 367. The officer must report to the court from which the process issued, the names of the resisters and their aiders and abettors, that they may be punished for contempt.

§ 368. Every person commanded by a public officer to assist him in the execution of process, who, without lawful cause, refuses or neglects to obey the command, is guilty of a misdemeanor and contempt of the court from which the process issued.

§ 369. If it appear to the governor that the power of the county is not sufficient to execute process, he must, on application of the sheriff, order such a military force from any other county or counties as is necessary.

§ 370. When persons to the number of twenty or more are unlawfully or riotously assembled in a city or town, the sheriff of the county and his deputies, and the other peace officers and magistrates of such city or town, together with the mayor or other chief officer of the city or town, must go among the persons assembled, or as near them as possible, and, in the name of the commonwealth, command them to disperse.

§ 371. If the persons assembled do not immediately disperse, the magistrates and officers must arrest them, or cause them to be arrested, that they may be punished according to law, and may command to their aid all persons present or in the county.

§ 372. If the persons commanded to aid the magistrates and officers neglect to do so without just cause, they shall be treated as part of the rioters, and punished accordingly.

§ 373. If a magistrate or officer, named in section 370, having notice of an unlawful or riotous assembly, neglect to proceed to the place of assembly, or as near as he can with safety, and exercise the authority invested in him to suppress the same and arrest the offenders, he is guilty of a misdemeanor.

§ 374. Where the unlawful assembly have the intent of committing a felony, or of offering violence to person or property, or to resist by force the laws, the judge of the circuit court, or the judge of the county court, or the mayor or chief officer of the city, or the sheriff of the county, or any two justices of the peace, may, by an order directed to a commanding officer of the militia, or of a military company, direct such military force under his command as shall be specified, to appear at a specified time and place, armed and equipped, to aid the civil authorities in suppressing violence and enforcing the law, which order shall be forthwith obeyed by the commanding officer and troops.

§ 375. When an armed force is called out to suppress an unlawful or riotous assembly, it must obey the orders of the civil officers named in the last section.

§ 376. The commanding officer must act on the defen-

live, and only permit the troops to use, their edged or pointed weapons to repel violence, except in the following cases :

1. If an attack is made on the troops, or any one of them, by which his life is endangered, they may defend themselves by discharging their fire arms ; and when the attack is general, the commanding officer may order the troops to fire.

2. If the troops cannot be placed between the rioters and the persons or property they are intending to attack, and the illegal purpose of the riot is persisted in by means dangerous to the lives or property of others, the magistrates and officers mentioned in section 374, or any two of them, may direct the commanding officer to disperse the rioters, which he is authorized to do, by ordering the troops, first, to use the bayonet and sword, and if they prove ineffectual, but not otherwise, to discharge their fire arms against them.

3. The troops must not be brought on the ground until the magistrate or officer has proclaimed the office which he holds, and commanded the assembly to disperse, and every endeavor must be used by the magistrates and civil and military officers to induce or force the rioters to disperse before an attack is made on them.

CHAPTER 2.

Requiring security to keep the peace or for good behavior.

§ 377. A person may be arrested for the purpose of requiring of him security to keep the peace, or for his good behavior, in the following cases :

1. Upon the complaint, on oath, of a person threatened, to a magistrate, that the defendant has threatened to commit an offense against his person or property, and upon the magistrate being satisfied by examination on oath of the complainant or others, that there are reasonable grounds to fear the commission of the offense threatened.

2. Upon information given on oath to a magistrate, by any person, that the defendant is about to commit violence endangering human life, or is about to commit an offense amounting to felony, and the magistrate is satisfied, by an examination on oath of the informant or others, that there are reasonable grounds for apprehending the commission of such violence or felony.

3. Where a magistrate or court is satisfied, by the conduct or words of a person in the presence of such magistrate or court, or from proof given before such magistrate or court, that there are reasonable grounds for apprehending that such person will commit an offense against the person or property of another.

§ 378. If the defendant is in the presence of the court or magistrate, a peace officer shall be verbally directed by the court or magistrate to take him into custody. If not in the

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presence of the magistrate, he shall issue a warrant of arrest, directed to any peace officer of the county, or city, or town, commanding him to arrest the defendant and bring him before the magistrate. The complaint, information, or proof, shall be briefly recited in the warrant.

§ 379. Upon the defendant being brought before the magistrate, or being taken into custody by order of a court or magistrate, the court or magistrate shall hear the evidence which may be produced on either side; and if satisfied that there are reasonable grounds for apprehending that the defendant will commit an offense against the person or property of another, or will commit violence endangering human life, or an offense amounting to felony, may require of him surety to keep the peace, or for his good behavior, in a sum not exceeding five thousand dollars where human life is endangered, or one thousand dollars in other cases; and in default of giving such security, may commit the defendant to jail.

§ 380. Where the security is required by a circuit, county, or police court, it may be for keeping the peace or for good behavior any length of time not exceeding one year. Where it is required by a magistrate, it shall be for keeping the peace or for good behavior until the defendant shall appear before the circuit court of the county, on the first day of its next term, before which court the defendant shall also be bound, with security, to appear, and not depart without leave of the court.

§ 381. The magistrate shall return the bond of the defendant and his surety for his appearance and keeping the peace, to the clerk of the circuit court, before its next term.

§ 382. Upon the defendant appearing, the court shall examine the case, and either discharge the defendant or require security to keep the peace or for his good behavior, for a period not exceeding one year; and in default of giving such security, may commit the defendant to jail for a period to be fixed by the court, not exceeding three months, unless he shall in the meantime give the security. Where a defendant is committed to jail for failure to give security as above provided, the cause of commitment, and the sum in which he is required to give security, shall be stated in the written order of commitment, which shall be delivered to the jailer.

§ 383. Any magistrate or court of the county may take the security required by the foregoing provisions, of a defendant committed to jail for default of giving such security.

§ 384. Where the proceedings are taken upon the complaint of the person threatened, if he fails to appear before the court or magistrate, the defendant shall be discharged.

§ 385. Unless the court or magistrate is satisfied that there are reasonable grounds for believing that the defendant

will commit an offense against the person or property of another, or commit violence endangering human life, or an offense amounting to felony, he shall be discharged.

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§ 386. The following are breaches of the bond required in this chapter:

1. The failure of the defendant to appear in the circuit court, where the bond requires such appearance, or departing therefrom before he is lawfully discharged.

2. A judicial conviction of the defendant of an offense involving a breach of the peace, within the period specified in the bond.

3. A judicial conviction of the defendant of a felony within the time specified in the bond, where the bond is for his good behavior.

§ 387. The attorney for the commonwealth may proceed by action, in the name of the commonwealth, against the defendant and his security, upon a breach of the bond.

§ 388. Where the security required in this chapter is given in court, it may be by a recognizance entered into in open court, and entered upon the records by the clerk.

CHAPTER 3.

Arrest and confinement of insane, drunken and disorderly persons.

§ 389. It shall be the duty of all peace officers to arrest any insane or drunken person whom they may find at large, and not in the care of some discreet person, and carry him before some magistrate of the county, city, or town in which the arrest is made.

§ 390. It shall also be the duty of all peace officers to arrest any disorderly person whom they may find creating a disturbance by noise or other disorder, and carry him before some magistrate of the county, town, or city in which the arrest is made.

§ 391. If the arrests authorized in the two last sections are made during the night, the officer shall keep them in confinement until the next morning, unless, in the case of an insane or drunken person, he deliver him into the custody of some discreet person, who will undertake to restrain and take care of him; and if the arrests are made in the local jurisdiction of a police or city court, the persons arrested shall be carried before the judge of such court, unless he be absent.

§ 392. The magistrate before whom an insane person is brought shall make such orders as may be necessary to keep him in restraint, until he can be sent, by due process of law, to the lunatic asylum; and if such insane person has not friends to whose custody or care the magistrate can commit him, he may order him to be confined in the county or city jail, and shall immediately give notice thereof to the city or county attorney, whose duty it shall be to take the proper proceedings for having the insane person sent to the lunatic asylum.

1854.

§ 393. Upon a drunken person being brought before a magistrate, he shall have power to order him to be confined until he becomes duly sober; and upon a disorderly person being brought before him, the magistrate may require of him surety for his good behavior and for keeping the peace for a period not exceeding one year; and on his failure to give such security, may commit him until he gives security, but in no event is the confinement to exceed thirty days.

CHAPTER 4.

Habeas corpus.

§ 394. The writ of *habeas corpus* shall be issued, served, and tried in the manner prescribed in chapter 45 of the Revised Statutes, which is as follows:

(*The chapter to be here inserted.*)

TITLE XI.

IMPEACHMENTS.

§ 395. An impeachment is the prosecution, by the house of representatives, before the senate, of the governor or other civil officer, for misdemeanor in office.

§ 396. The articles of impeachment are the written accusation of the officer, drawn up and approved by the house of representatives.

§ 397. The articles of impeachment shall state with reasonable certainty the misdemeanor in office for which the officer is impeached; and if there be more than one they shall be stated separately and distinctly.

§ 398. When the articles of impeachment have been approved by the house of representatives, and an impeachment ordered, a committee shall be appointed to prosecute it, whose chairman, within five days, shall lay the same before the senate.

§ 399. The senate shall appoint a day for hearing the impeachment, and the accused shall be summoned, by a precept issued by the clerk of the senate, to appear on that day. The precept shall be served by delivering a copy of the precept, and of the articles of impeachment, to the accused in person, if to be found, or leaving the copies at his residence with some white member of his family over sixteen years of age.

§ 400. The clerk of the senate, at the request of the chairman or of the accused, shall issue process for summoning witnesses, and for producing books and papers; and in case of disobedience of the process, the senate shall order the clerk to issue process for arresting the witnesses and seizing the books and papers, which process may be executed by the peace officers of the several counties, or

by officers specially appointed for that purpose by the senate.

1854.

§ 401. The senate shall have power of coercing the attendance of witnesses, and of compelling them to testify, and of coercing the production of books and papers, by fine and imprisonment, to such an extent as shall be necessary.

§ 402. Witnesses shall have the same compensation for travel and attendance, and the same exemptions in going, remaining, and returning, as witnesses in the circuit courts, and officers executing the process and orders of the senate shall have like fees for their services.

§ 403. Before the senate proceeds to try the impeachment, the speaker and every senator present shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully and impartially try the impeachment against A B, and give my decision according to the law and evidence."

§ 404. The senate shall determine what amount of absence of a senator during the trial shall exclude the senator from voting in the final decision.

§ 405. If the accused is acquitted, he shall be entitled to his costs, to be taxed by the clerk of the senate and paid by the treasurer; and if convicted, he shall pay the costs, to be taxed by the clerk and recovered by motion by the attorney general, in the Franklin circuit court, at the first term thereof, without notice, or afterwards on notice.

§ 407. If the impeachment is prosecuted on the petition of some citizen of the commonwealth, whose name is set at the foot of the articles of impeachment, he shall be liable for the costs of the accused if he is acquitted, and also for the costs of prosecuting the impeachment, and in that case the commonwealth shall not be liable to pay any part of the costs; and if the accused is convicted, the petitioner shall be entitled to recover of the accused the costs of the impeachment, for which he is liable; the costs to be taxed by the clerk of the senate, and recovered by suit in a court of competent jurisdiction.

TITLE XII.

PROCEEDINGS FOR THE REMOVAL FROM OFFICE OF CLERKS OF COURTS.

§ 407. Clerks of the court of appeals, and clerks of circuit, county, and police and city courts, may be removed from office by the court of appeals, upon a written information signed and presented in said court by the attorney general, charging the following causes of removal:

1. Any act, omission, or neglect by such clerk, for which the statutes have prescribed a forfeiture of office.

1854.

2. Any malfeasance in office or neglect of official duty that the court may consider sufficient cause of removal.

§ 408. Except in the case provided in section 414, there shall be a prosecutor responsible for costs named in the information. The information shall state the offense charged with the certainty required in an indictment; and if there be more than one offense they shall be stated separately and distinctly.

§ 409. Upon the information being presented, the court shall fix a day of trial, and the clerk of the court of appeals shall issue a summons, warning the defendant to appear on that day and answer the information. The summons shall be served by delivering a copy of the summons, and of the information to the defendant, if he be found, and if not, to any deputy or white person remaining in his office by his employment, and if there be none, then by affixing such copies to the door of the clerk's office of the defendant.

§ 410. The clerk of the court of appeals shall, on request of the attorney general or of the defendant, issue subpoenas for witnesses, and the court may order process for the production of books and papers, and may compel obedience to the subpoenas and other process, and compel witnesses to testify, by fine and imprisonment, to the same extent as circuit courts.

§ 411. The court may grant continuances or postponement of the trial for sufficient cause.

§ 412. If the court is satisfied that the prosecutor is insolvent, or a non-resident, security for the costs may be required.

§ 413. If the court renders a judgment of removal from office against the clerk, a judgment shall also be rendered against him for the costs of the prosecutor; and if the clerk is acquitted, he shall recover a judgment against the prosecutor for his costs.

§ 414. Where a clerk has been convicted by the judgment of a court of competent jurisdiction of an offense, which by the provisions of a statute of Kentucky creates a forfeiture of his office, upon a transcript of the record of such conviction being produced to the attorney general, he shall forthwith file an information, without any prosecutor being named therein, against such clerk, and file therewith the transcript of such record, and thereupon the same proceedings had as upon informations with a prosecutor.

§ 415. Where an information is filed against the clerk of the court of appeals, the court may appoint a person to act as clerk during the prosecution, in all matters connected with the prosecution.

Approved March 9, 1854.

CHAPTER 712.

1854.

AN ACT to declare the Brushy fork of John's creek, in Pike county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Brushy fork of John's creek, in Pike county, be and the same is hereby declared a navigable stream from its mouth to Mark Mainer's; and any person obstructing the same shall be amenable to the laws now in force against the obstruction of navigable streams: *Provided,* that this act shall not authorize the removal of any mill dams now across said stream.

Approved March 9, 1854.

CHAPTER 713.

AN ACT authorizing the Secretary of State to furnish the Circuit and County Court Clerk's Offices of Powell county with books.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the secretary of state to supply the county and circuit court clerk's offices of Powell county, with the revised statutes, code of practice, reports of the decisions of the court of appeals, and other books usually furnished by the state to the clerk's offices of the different counties; and, for that purpose, he may draw from the treasury, on the warrant of the auditor, a sum or sums sufficient to comply with the duties enjoined by this act: *Provided,* that any books heretofore furnished the county of Powell shall be deducted from the list of books to be furnished under this act.

Powell county to be furnished with law books.

Approved March 9, 1854.

CHAPTER 724.

AN ACT to provide for the assessment and collection of the revenue and county levy where the lines of counties have been changed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever a change has been or shall be made in boundary of any county or counties of this commonwealth, after the 10th day of January in any year, whereby a portion of the territory of one county is added to another county, the state revenue and county levy shall be assessed and collected for such year in the same manner as if such change had not been made; and the powers of the assessor of tax, and of the sheriff, or other collector, shall be the same for the purposes of assessment and collection aforesaid, in the territory so taken from their county, as in other portions of their county.

If county lines are changed after 10th January, revenue and county levy to be collected as if no change had been made.

Approved March 9, 1854.

1854.

CHAPTER 793.

AN ACT requiring turnpike, toll bridge, and plank road companies to declare semi-annual dividends.

Turnpike and plank roads and toll bridge companies to declare dividends every 6 months, and pay the same to stockholders and into the treasury.

Penalty for failure.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all toll bridge, turnpike and plank road companies in which the state is a stockholder, shall each, on the first day of January and on the first day of July in every year, make or declare a dividend of the profits of such road, if any, and pay to the stockholders and into the treasury of the state the amount due to each within twenty days thereafter.

§ 2. If any such toll bridge, turnpike or plank road company shall fail or refuse to perform the duties required by this act, the president, directors, or managers thereof shall be fined in a sum not less than one hundred dollars each, and made jointly and severally liable therefor, recoverable by presentment or indictment, or by any person who may sue for the same, and one half of the sum recovered shall be for the use of the person suing, and the other half to the state. This act shall take effect from the first day of August, 1854.

Approved March 9, 1854.

CHAPTER 793.

AN ACT to amend the law in relation to a change of venue in criminal cases.

Rev. Stat., 167.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the first section of chapter 13 of the Revised Statutes, entitled, "Change of Venue," be repealed.

Venue in criminal cases may be changed.

§ 2. That when a criminal or penal prosecution is pending in any court, the judge thereof, upon the application of the defendant, shall order the trial to be had in some other adjoining county to which there is no valid objection, if it be made to appear that the defendant cannot have a fair or impartial trial in the county where the proceeding is pending.

When application to be made.

1. The application must be made in open court during a regular or called term, by a petition in writing verified by the affidavit of the defendant, after reasonable notice in writing to the attorney for the commonwealth, or, in his absence from the county, to the attorney for the county.

Proof required.

2. Proof may be introduced for and against the application; but the court may limit the number of witnesses on each side to five, and witnesses may be summoned by each party to testify on the application. But no change of venue shall be granted unless two disinterested witnesses, not of kin to or counsel for defendant, shall, in their testimony, sustain the statements of the petition.

3. In making the order for a change of venue, the court

shall order the trial to be had in that county in which the judge believes there is the greatest probability of an impartial trial, without favor to or prejudice against the defendant, being had, giving preference to counties of the same judicial district.

1854.

Venue to be changed to that county where an impartial trial can be had.

Approved March 9, 1854.

CHAPTER 733.

AN ACT to declare the Trace fork of Licking, in Floyd county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trace fork of Licking river, in Floyd county, be and the same is hereby declared a navigable stream from its mouth to the lower end of John Allen's farm; and any person obstructing the same shall be amenable to the laws in force against the obstruction of navigable streams: *Provided,* nothing in this act shall subject the owners of mill dams now across said stream to the penalties of the law.

Approved March 9, 1854.

CHAPTER 734.

AN ACT for the benefit of the Lunatic Asylum at Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor be and he is hereby directed to draw his warrant on the treasurer in favor of the superintendent of the lunatic asylum at Lexington for ten thousand dollars, for the purpose of re-building that portion of the said asylum that was consumed by fire; and, also, the sum of five thousand dollars for the purpose of heating the said asylum with steam; and the sum of two thousand five hundred dollars for repairs to roof and guttering, and building fence around said asylum: *Provided however,* that the directors for said asylum shall report to the auditor of public accounts the amounts expended by them, and file vouchers for payments with the auditor; and if any surplus is left in their hands they are directed to pay over the same to the auditor, to be by him placed to the credit of the state. The directors of said asylum shall, from time to time, insure said buildings in some good insurance office or offices at the highest amounts said insurance can be obtained, and pay the premiums therefor out of the funds of the institution.

Appropriations to lunatic asylum at Lexington.

Vouchers to be filed.

Buildings to be insured.

Approved March 9, 1854.

1854.

CHAPTER 755.

AN ACT to amend the first section of the fourteenth article of chapter 36, of Revised Statutes, exempting certain property from execution.

Rev. Stat., 383,
See Rev. Stat.,
221, title Descent
and Distribu-
tion, and chaps.
497, 508, and 753,
of this volume.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the first section of the fourteenth article of chapter thirty-six of the Revised Statutes, exempting certain property from execution, shall only apply to actual *bona fide* housekeepers with a family.

Approved March 9, 1854.

CHAPTER 758.

AN ACT exempting the same property from militia fines as is now exempt from execution.

Rev. Stat., 251,
and chaps. 497,
508, and 755 of
this volume.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the same property shall be exempt from the payment of militia fines as is now exempt by law from execution.

Approved March 9, 1854.

CHAPTER 762.

AN ACT to extend the terms of the Court of Appeals, to change the time of holding the same, to increase the salaries of the Judges of said Court, and the salaries of the Judges of the Circuit Courts, and the Judge of the Louisville Chancery Court.

Court to sit
sixty days at
each term.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the court of appeals shall hereafter annually hold two terms, commencing on the first Mondays in June and December, and shall sit sixty judicial days at each term, and longer if the business require it.

Salary of judges
increased to
\$2,000, and cir-
cuit judges and
chancellor to
\$1,800.

§ 2. That the judges of the court of appeals shall each hereafter receive an annual salary of two thousand dollars, and the judges of the circuit courts and the judge of the Louisville chancery court, shall each hereafter receive an annual salary of eighteen hundred dollars.

§ 3. All acts and parts of acts coming within the purview of this act, be and the same are hereby repealed.

§ 4. This act shall take effect from and after its passage.

Approved March 9, 1854.

CHAPTER 766.

AN ACT empowering the county of Mason and the city of Maysville to contribute an increase to the salary of the Judge of the 9th Judicial District.

County of Ma-
son and city of
Maysville au-

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Mason and the city of Maysville are hereby empowered, annually, to levy and

collect and pay into the treasury of this commonwealth any sums not exceeding in the aggregate five hundred dollars, for the purpose of increasing the salary of the judge of the 9th judicial district; and any sum or sums so levied and collected and paid into the treasury by said county and city, or either of them, for the purpose aforesaid, shall be added to the salary of the said judge, as now or hereafter fixed by law, and paid as said salary is directed to be paid. This act shall take effect from its passage.

Approved March 9, 1854.

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thorized to raise money and increase the salary of judge of the 9th district.

CHAPTER 768.

AN ACT to amend the 45th chapter of the Revised Statutes, entitled Habeas Corpus.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the 45th chapter of the Revised Statutes, entitled "Habeas Corpus," is hereby so amended as to authorize the granting of such writs, by any of the officers now authorized by law to issue the same, upon the application and in the name of the father, mother, guardian, or next friend of any married woman or infant, against any person who shall unlawfully have or detain in custody or bondage any infant or married woman; and like proceedings shall be had for hearing and determining the cause and affording the relief demanded, as now provided in said chapter: *Provided*, that should any of the officers who are authorized to issue such writ be interested in the delivery of the party so detained, the writ shall be returned before some justice of the peace or police judge of the county to whom the objection will not apply.

Rev. Stat., 379.

May issue in behalf of married women and infants.

If officer interested, writ to be returned before a justice of the peace.

§ 2. That this act shall apply to and embrace free colored infants that may be so detained or held in custody, and like proceedings had in their behalf.

Free colored infants embraced.

Approved March 9, 1854.

CHAPTER 771.

AN ACT to quiet the title to lands.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter it shall and may be lawful for any person having both the legal title and possession of lands to institute and prosecute suit, by petition in equity, in the circuit court of the county where the lands, or some part thereof, may lie, against any other person setting up claim thereto; and if the plaintiff shall be able to establish, and does establish, his title to said land, the defendant shall be by the court ordered and decreed to release his claim thereto, and to pay the plaintiff

Party having the legal title and possession of land may institute an action against any party claiming it to quiet his title.

If plaintiff establishes his title, defendant decreed to release.

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his cost, unless the defendant shall, by his answer, disclaim all title to such land and offer to give such release to the plaintiff, in which case the plaintiff shall pay to the defendant his cost, except for special reasons the court should otherwise decree.

Approved March 9, 1854.

CHAPTER 780.

AN ACT to authorize the Secretary of State to purchase certain law books.

Secretary authorized to purchase Monroe & Harlan's Digest at \$9 per copy.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the secretary of state be and he is hereby authorized to purchase, for the use of this commonwealth, five hundred copies of the digest of the decisions of the court of appeals of Kentucky, recently prepared and published by Ben. Monroe and James Harlan, provided the same can be purchased at a price not exceeding nine dollars per copy; and upon the secretary certifying to the auditor of public accounts the amount of such purchase, the auditor is hereby required to issue his warrant upon the treasurer for the same, which shall be paid on presentation.

To what officers distributed.

§ 2. That it shall be the duty of the secretary of state, when the acts of the present general assembly shall be distributed, to cause to be delivered to the following officers of government, each, one copy of said digest, to-wit: to each judge of the court of appeals one copy; to each circuit judge one copy; to the chancellor of the Louisville chancery court one copy; to the attorney general one copy; to the attorney for the commonwealth of each judicial district one copy; to the clerk of the Louisville chancery court one copy; to the county judge of each county one copy; to the clerk of each circuit court one copy; to the clerk of each county court one copy; to the clerk of the court of appeals one copy; to the judges of the federal court one copy.

Officer receiving book to deliver it to his successor.

§ 3. That each officer of the government who may receive a copy of said digest under this act, either directly or from his predecessor in office, on his going out of office, shall deliver the same, on request, to his successor in office, to be by him in like manner delivered to his successor.

Remaining copies to be deposited in library.

§ 4. That the remaining copies, so purchased by the secretary under this act, shall be deposited in the public library to supply such officers of government as may not receive a copy from his predecessor, as prescribed by this act, or to exchange with other states for works of like character and value, for the use of the court of appeals of this state.

Approved March 9, 1854.

CHAPTER 783.

1854.

AN ACT to change the terms of the Carroll and Gallatin Circuit Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the circuit court in the county of Carroll shall commence its terms on the fourth Mondays in April and September, and continue, each, six juridical days. That the circuit court in the county of Gallatin shall commence its terms on the fourth Mondays in March and August, and continue, each, six juridical days: *Provided however,* the term of the Gallatin circuit court in April next shall not be affected by this, but shall be held at those times as now provided by law; and all process, orders, and proceedings shall be had and taken in reference to either court, as to said last named terms, as if this act had not passed—which shall take effect immediately.

When circuit court of Carroll to be held.

When in Gallatin.

Approved March 9, 1854.

CHAPTER 787.

AN ACT providing additional terms of the Mason Circuit Court for the trial of equity causes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in addition to the terms now required by law, there shall be held in the county of Mason, at the court house, two regular terms of the circuit court, for the trial of equity causes, beginning on the third Mondays in February and first Mondays in August in each year, and continuing three weeks each, if the business of the court requires it. All acts in conflict herewith are hereby repealed to the extent of the conflict.

Additional terms to be held in Mason.

Approved March 9, 1854.

CHAPTER 788.

AN ACT to compensate the commissioners for preparing the Revised Statutes, and to pay the expenses of their publication and distribution.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sum of two thousand dollars be appropriated to each of the commissioners, C. A. Wickliffe, S. Turner, and S. S. Nicholas, for preparing the Revised Statutes, out of any money in the public treasury not otherwise appropriated.

\$2,000 to each commissioner.

§ 2. That the sum of five hundred dollars be appropriated to C. A. Wickliffe, out of any money in the public treasury not otherwise appropriated, as a compensation for his services in attending the last session of the general assembly, and in superintending the publication and preparing the index.

\$500 additional to C. A. Wickliffe.

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\$300 to W. L.
Callender.

§ 3. That the sum of three hundred dollars be appropriated to William L. Callender, for services rendered to C. A. Wickliffe in arranging the index to the Revised Statutes and the side notes in said book: *Provided*, that said W. L. Callender shall first release said C. A. Wickliffe from any and all responsibility to him for the services aforesaid.

\$4,556 84 to A.
G. Hodges.

§ 4. That the sum of four thousand five hundred and fifty-six dollars eighty four cents be appropriated to A. G. Hodges, out of any money in the treasury not otherwise appropriated, as a compensation for the expenses of the publication and distribution of the Revised Statutes, and the distribution of the 12th volume of B. Monroe's reports.

Remaining cop-
ies to be sold.

§ 5. That A. G. Hodges be appointed agent for the sale of the remaining copies of the Revised Statutes, and is directed to pay into the treasury the net proceeds of the sales from time to time, deducting therefrom ten per cent. as a compensation for his services.

§ 6. That this act shall not take effect until the commissioners on revision, together with A. G. Hodges & Co., shall execute and file with the auditor of public accounts a receipt therefor, and shall therein fully release the state of Kentucky from all liability on account of the revision and publication of what is known as the Revised Statutes, and surrender all claim they may have upon the copies thereof which may have been already sold or are under the control of the printer: *Provided further*, that either of said commissioners or said Hodges may avail himself of the provisions of this act by complying with the above requisitions.

Approved March 9, 1854.

CHAPTER 794.

AN ACT to provide for the holding of County and Quarterly Courts when the Judge is absent, or cannot preside.

Pro tem, judge
of the county
court may be ap-
pointed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever it shall so happen that the presiding judge of any county court in this state shall be absent, or unable from any cause to attend and hold the monthly county court, or the quarterly court, and the presiding judge, if in attendance, cannot properly preside, it shall be the duty of the county court clerk, upon being informed of such failure, to notify the justice of the peace residing nearest the court house of said county at that time, if in the county, and if not, then the next justice in the county nearest the court house, of the failure or inability of said judge to attend; and it shall be the duty of such justice to attend and hold said court; and for that purpose he is hereby vested with all the powers which are

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or may be now by law conferred upon said presiding judge; and for his services thus rendered, the county court, at their court of claims, shall make a reasonable allowance, to be levied and paid out of the county levy: *Provided*, that no allowance shall be made to said justice against the county for holding the quarterly court of the presiding judge; but for holding that court he shall be entitled to the fees in cases tried by him, as the presiding judge would be.

§ 2. That it shall and may be lawful for any executor or administrator, or any one or more creditors, heirs, devisees, or distributees, of any estate, to file his, her, or their petition before the county court of the county in which the estate, or any part, may be, for the settlement and distribution of said estate, according to the provisions of the sixteenth section of the act entitled "an act to organize county courts in the several counties," approved March 11th, 1851. But this act shall not authorize the county courts to take jurisdiction of any such cause unless it is in cases where the estate is of the value of \$500, or under that amount.

Petition may be filed in county court to settle estates of deceased persons of \$500 or less. See session acts, 1850-51, page 44.

§ 3. That appeals shall be granted from the decisions of said court distributing said estate, to either party, if they desire it, to the circuit court of said county.

Approved March 9, 1854.

CHAPTER 799.

AN ACT concerning the Auditor's Office and the Treasurer's Office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter there shall be an additional allowance of one thousand dollars per annum for clerk's hire in the auditor's office, and five hundred dollars per annum to the treasurer, to enable him to employ the services of a clerk to aid him in the performance of his duties; and the same shall be paid out of the treasury in the same manner that other salaries are now paid.

\$1,000 appropriated for additional clerk hire in auditor's office.

\$500 additional to treasurer.

Approved March 9, 1854.

CHAPTER 807.

AN ACT to amend the 33d section of chapter 84 of the Revised Statutes, entitled "Roads and Passways."

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the 33d section of chapter 84, of the Revised Statutes, entitled "Roads and Passways," be so amended, that instead of each county court levying one-half of the cost of the bridge upon each county, such cost shall be divided and levied on each county in proportion to the number of white tithables in each county.

Rev. Stat., 685.

When bridge is erected between two counties, each county to pay in proportion to white tithables.

Approved March 9, 1854.

1854.

CHAPTER 813.

AN ACT to amend section 13, article 2, of chapter 83, of the Revised Statutes, entitled "Revenue."

Rev. Stat. 554.

Persons who
sell by sample
deemed ped-
dlers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the persons enumerated in chapter 83, article 2, section 13, of the Revised Statutes, as peddlers, all persons who sell goods, wares, and merchandize by sample, not the product or manufacture of this state, or offering to sell the same, other than a resident merchant, who has listed his goods for taxation, shall be deemed peddlers, and shall first procure a license to peddle as is now provided by law.

Penalty for vi-
olating act.

§ 2. That if any person shall violate the first section of this act, he shall be proceeded against as is now provided by law for peddling goods, wares, and merchandize without license.

Approved March 9, 1854.

CHAPTER 814.

AN ACT to amend section 12, article 2, chapter 43, of the Revised Statutes, entitled "Guardian and Ward."

Rev. Stat. 375.

Guardian of
estate not ex-
ceeding \$500 to
settle every two
years. If less
than \$200 every
four years.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That section 12 of article 2 of chapter 43 of the Revised Statutes, entitled "Guardian and Ward," be so amended that a guardian of an estate, not exceeding in value the sum of five hundred dollars, shall not be required to settle his accounts as guardian with the county court oftener than once in every two years. And where the estate does not exceed in value the sum of two hundred dollars, not oftener than once in every four years.

Approved March 9, 1854.

CHAPTER 815.

AN ACT to authorize the Circuit Judges to hold terms of court for each other in certain cases.

Circuit judges
may exchange
circuits.

But a majori-
ty of the bar may
elect a special
judge.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That where any circuit judge shall fail to attend to hold any term of his court, any other circuit judge of this commonwealth may, at the request of the judge so failing to attend, hold such term, and exercise all the power and jurisdiction of the judge of such court: *Provided however*, that the majority of the members of the bar of such court may elect a special judge in the manner provided by law if they think proper, and, thereupon, such special judge shall hold such term instead of the other circuit judge.

Approved March 9, 1854.

CHAPTER 818.

AN ACT to punish persons creating obstructions in public roads.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That any person who shall willfully and unlawfully dig a ditch in or across a public road, shall be fined not less than five nor more than fifty dollars.

Penalty for digging a ditch in or across a public road.

§ 2. When a fence shall be erected in or across a public road, the owner or tenant of the land on which the fence shall be erected shall pay a fine of one dollar for every twenty four hours the fence shall continue in or across the road.

For erecting a fence in or across a public road.

Approved March 9, 1854.

CHAPTER 819.

AN ACT to authorize Clerks of County Courts to certify and record deeds in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That where the deputy of any county court clerk shall take the acknowledgment of a deed or other instrument of writing, and indorse a memorandum thereof on such deed or instrument of writing, but shall fail from any cause to write out and sign the certificate thereof, it shall be lawful for the clerk to write out and sign the certificate, setting forth in such certificate the facts, including the indorsement, and thereupon record such deed or instrument and certificate, and thereupon the deed or instrument and the certificate shall be as good and effectual as if certified and signed by such deputy.

Memorandum of acknowledgment of a deed indorsed by deputy may be written out by principal clerk.

Approved March 9, 1854.

CHAPTER 821.

AN ACT to change the time of holding the County Court of Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the county court for Union county shall be held on the first Monday in each month, instead of the time now fixed by law.

Union county court, when held.

Approved March 9, 1854.

CHAPTER 822.

AN ACT to amend section 11, article 5, chapter 55, Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That section 11 of article 5 of chapter 55, of Revised Statutes, entitled "Juries, Grand and Petit," be so amended that grand jurors shall receive one dollar for each day they shall serve.

Rev. Stat. 433.

Grand jurors, pay of.

Approved March 9, 1854.

1854
1854

CHAPTER 823.

AN ACT to amend the Revised Statutes on the subject of the election of special judges.

Rev. Stat. 222.

Rev. Stat. 167.

In election for special judge to try particular case, attorneys employed in the case not to vote.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That when it shall become necessary to elect a special judge to try a particular cause, according to the provisions of section 1, article 13, chapter 27, of the Revised Statutes, or to try a criminal or penal prosecution, or an application for a change of venue according to the provisions of section 10, chapter 13, of the Revised Statutes, the attorneys employed in such cause or prosecution shall not vote on such election.

Approved March 9, 1854.

CHAPTER 825.

AN ACT to change the time of holding a term of the Harrison circuit court.

Session acts, 11.

Additional term of Harrison circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled "an act to allow an additional term of the Harrison circuit court," approved December 27, 1851, be and the same is hereby repealed, and that, in place of said term, a term of said court shall be held for the trial of chancery and criminal causes, commencing on the second Monday in January in each year, and continuing twelve juridical days, if the business require it.

Approved March 9, 1854.

CHAPTER 831.

AN ACT to authorize the auditor to employ attorneys for the recovery of escheated property.

Escheated property. Auditor may employ attorney to recover.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts, with the approbation of the governor and attorney general, may employ an attorney at law for the recovery of any escheated property belonging to the commonwealth, and provide for his compensation out of such escheated property: *Provided,* that such compensation shall be fixed by a written contract, on which the approval of the governor and attorney general shall be indorsed.

Approved March 9, 1854.

CHAPTER 832.

1854.

AN ACT to amend section 6, article 3, chapter 26, of the Revised Statutes, entitled "County Levy."

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That sheriffs and collectors of the county levy shall have time until the county court in January to return their delinquent list of the county levy of the previous year.

Rev. Stat. 213,
title County Levy,
sec. 6, art. 3,
chap. 26.

§ 2. That in their settlements of the county levy in the month of September of each year, the sheriffs and collectors thereof shall only be required to settle and pay ninety per cent. of the amount of such levy, and the remaining ten per cent. shall remain in the hands of such sheriffs and collectors until the succeeding January county court, at which time a final settlement shall be made, and the sheriff shall pay over any balance in which he may be found indebted; and if he shall be found to have paid too much, the court shall order it to be refunded to him.

Sheriffs have
until January
court to return
delinquent list.

Approved March 9, 1854.

CHAPTER 833.

AN ACT to amend the 7th article of the 27th chapter of the Revised Statutes, entitled "Courts."

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the 7th article of the 27th chapter of the Revised Statutes, concerning courts, be and the same is hereby amended by adding thereto the following:

Rev. Stat. 212.

§ 3. Appeals lie to the circuit court from the judgments of justices of the peace, and mayor's or police judges of cities, in all cases where the matter in contest concerns the right of wharfage, and the right to collect wharfage tax from any ferry boat, steamboat, or other water craft."

Right of ap-
peals from jus-
tices, &c., ex-
tended.

Approved March 9, 1854.

CHAPTER 834.

AN ACT for sloping dams on Licking river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county courts of the counties through which Licking river may run, by proper notices and orders, may require any person or persons running dams on it, to slope them, so that rafts and boats may safely pass over them in good tides of water; and where the river is the dividing line between two counties, that county shall have jurisdiction in which the mill-house may be located.

Dams on Lick-
ing to be sloped.

Approved March 9, 1854.

1854.

CHAPTER 839.

AN ACT concerning executions issuing from the Court of Appeals.

Executions
from court of ap-
peals, when re-
turnable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That executions issuing from the court of appeals shall be made returnable on a rule day, not less than one hundred and twenty days, and shall be indorsed no security of any kind to be taken.

Approved March 9, 1854.

CHAPTER 840.

AN ACT regulating the tax on appeals to the Court of Appeals.

Tax on appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first of July next the tax on appeals to the court of appeals shall be one dollar, to be paid in advance to the clerk of said court, to be accounted for by him according to law.

Approved March 9, 1854.

CHAPTER 847.

AN ACT to reduce the price of vacant lands in this commonwealth.

Price of va-
cant lands in
certain counties
reduced.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act the price of vacant lands of this commonwealth shall be reduced to the sum of two and one half cents per acre. This act shall only apply to the counties of Greenup, Lawrence, Carter, Pike, Knox, Laurel, Whitley, Rockcastle, Perry, Letcher, Owsley, Breathitt, Clay, Harlan, Morgan, and Pulaski. That all laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 9, 1854.

CHAPTER 848.

AN ACT authorizing the Auditor of Public Accounts to correct certain mistakes, and to issue warrants in certain cases.

Auditor may
refund money
improperly paid
for taxes.

Retaining any
taxes then due
on the land.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That when it shall appear to the auditor of public accounts, that money has been paid into the public treasury for taxes, when no such taxes were in fact due, he shall issue his warrant on the treasury for such money so improperly paid, in behalf of the person who paid the same: *Provided nevertheless,* that nothing herein contained shall authorize the issuing any such warrant as aforesaid, in favor of any person who may have made payment of the revenue tax due on any tract of land, un-

less it shall manifestly appear that the whole of the taxes due the commonwealth on such land has been fully paid up and satisfied, independent of the mistaken payment, and ought to be reimbursed.

§ 2. The auditor shall not draw his warrant, under this act, for any money improperly paid for taxes, unless application be made therefor, in each case, within two years from the time when such payment was made.

Approved March 9, 1854.

1854.

Application to be made within two years from time of payment.

CHAPTER 851.

AN ACT making appropriations for labor performed in making out registration tables.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Y. Kelly be allowed, for forty one days services in making out registration tables, one hundred and twenty five dollars; William C. White, for same services, one hundred and twenty five dollars; M. Price, for twenty seven days service, eighty two dollars; Jefferson S. Polk, for twenty six days services, seventy eight dollars; Henry M. Rucker, for twenty six days services, seventy eight dollars; and Dr. William L. Sutton, for three months services, two hundred and fifty dollars: the same to be paid out of the treasury upon the warrant of the auditor of public accounts.

Approved March 9, 1854.

Appropriation of \$738 for making out registration tables of births, &c., under Rev. Stat. 546, chap. 82.

CHAPTER 866.

AN ACT to amend the 33d section of chapter 84, of the Revised Statutes, entitled "Roads and Passways."

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the 33d section of chapter 84, of the Revised Statutes, entitled "Roads and Passways," be so amended instead of each county court levying one half of the cost of the bridge upon each county, such cost shall be divided and levied on each county in proportion to the number of white titheables in each county.

Approved March 9, 1854

[This act is verbatim that of chap. 807.]

CHAPTER 867.

AN ACT for the appropriation of money.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the following sums of money, not otherwise appropriated, be paid out of the public treas-

General appropriations.

1854.

ury to the several persons named and entitled to the same.

Speakers.

1. To the speakers of the senate and house of representatives six dollars per day each during the present session.

Clerks.

2. To the clerks of the senate and house of representatives ten dollars per day each during the present session, and for six days each after the close of the session, in preparing the acts of the general assembly for publication, and arranging papers.

Assistant clerks

3. To the assistant clerks of the senate and house of representatives eight dollars per day each during the present session. W. T. Samuels to receive at the rate aforesaid to the day of his resignation as assistant clerk of the senate, and John C. Herndon, his successor, to receive at the same rate from the day of his election.

Extra clerk hire.

4. The auditor is authorized to draw his warrant on the treasurer in favor of the clerk of the house of representatives for the amount of the compensation for extra clerk hire authorized to be employed by resolution of the house of representatives, to be estimated by the clerk.

Sergeants-at-arms.

5. To the sergeant-at-arms of the senate and house of representatives four dollars per day each during the present session.

Door keepers.

6. To the doorkeepers of the senate and house of representatives four dollars per day each during the present session.

Servant hire.

7. To John W. Pruett, for the use of the servant to the senate, during the present session, seventy dollars.

Servant hire.

8. To R. R. Bolling, for the use of the servant to the house of representatives, during the present session, seventy dollars.

Commonwealth

9. To the publishers of the Commonwealth for the use of their paper during the present session, two hundred and twenty-five dollars.

Yeoman.

10. To the publishers of the Yeoman for the use of their paper during the present session, one hundred and fifty dollars.

Wm. Veach.

11. To William Veach, seven dollars for bill of sundries rendered.

R. Knott.

12. To R. Knott, seven dollars for bill of sundries rendered.

Use of bell.

13. To the Baptist church, for the use of their bell, during the present session, ten dollars.

Cammack.

14. To John P. & A. G. Cammack, five dollars and fifty cents for bill of sundries rendered.

Cammack.

15. To John P. & A. G. Cammack, seventy-five dollars, burial expenses for Col. Drury W. Poor, late representative from Logan county.

Clerk electoral college.

16. To Thomas D. Tilford, thirty dollars for services as clerk to the electoral college.

17. To Joseph Gray, thirty dollars for services as sergeant-at-arms to the electoral college.

18. To Doxon & Graham, eighty-seven dollars and eight cents for bill of sundries rendered.

19. To Baker & Runyan, ninety-seven dollars thirty-five cents for bill of sundries rendered.

20. To the Kentucky penitentiary, sixty-three dollars eighty-five cents for bill of sundries rendered.

21. To Hodges & Todd, five hundred and forty-six dollars fifty cents, as per bill rendered. The judges of the court of appeals directed said Hodges to purchase five complete sets of the decisions of the court of appeals of Kentucky, which amounted, together with some small items for carriage, &c., to the sum of nine hundred and six dollars fifty cents; of that sum the judges of the court of appeals paid out of the annual appropriation to the public library the sum of three thousand and sixty dollars, leaving the above balance of five hundred and forty-six dollars and fifty cents. The present general assembly has passed acts authorizing the secretary of state to furnish to the counties of Powell, Lyon, and McLean complete sets of said reports: *Be it therefore enacted*, that out of the sets furnished by said Hodges under the direction of the court of appeals aforesaid, the secretary of state furnish two of the counties named herein with the said decisions of the court of appeals.

22. To the ministers of the several denominations in Frankfort, one hundred dollars, to be distributed amongst them by Joseph Gray, segeant-at-arms.

23. To Joseph Gray, for the use of Jo. Tole, sixty dollars.

24. To Silas Woodson, for the use of Miller Woodson, sixty dollars.

25. To A. G. Hodges, two hundred and forty-one dollars thirty cents, expenses for Gov. Wright and suite, and committee, in visiting Kentucky under an invitation from his excellency Gov. Powell.

26. To A. G. Hodges, two hundred dollars for making an index to journal of senate and journal of house of representatives.

27. To Cumberland hospital, twelve hundred and fifty dollars, payable quarterly, for the support of that institution for the year 1854.

28. To Cumberland hospital, twelve hundred and fifty dollars, payable quarterly for the support of that institution for the year 1855.

29. To the lunatic asylum at Lexington, twenty thousand dollars, payable quarterly in advance, for the support that institution for the year 1854.

30. To the lunatic asylum at Lexington, twenty thousand dollars, payable quarterly in advance, for the support of that institution for the year 1855.

1854.

Doxon & Graham.

Baker & Runyan.

Penitentiary.

Hodges & Todd.

Ministers of the Gospel.

J. Tole.

M. Woodson.

Expenses of Gov. Wright.

Index to Journals.

Cumberland Hospital, 1854.

Same, for 1855.

Lunatic Asylum at Lexington, for 1854.

Same, for 1855.

1854.

Same, for deficiencies.

31. To the lunatic asylum at Lexington, fifteen thousand dollars, balance due by them for indebtedness created in consequence of the failure of the last legislature to make as large an annual appropriation as usual.

Expenses Gov. Wright.

32. To R. T. P. Allen, sixty dollars and fifteen cents, for dinner of Kentucky Cadets at ladies' fair in attending the reception of Gov. Wright.

C. G. Graham.

33. To C. G. Graham, two dollars and ninety-five cents, for bill of sundries rendered.

Code of Practice

34. To M. C. Johnson, James Harlan, and John W. Stevenson, for preparing and completing, according to law, a code of practice in civil and criminal proceedings, one thousand dollars each.

Salary president board internal improvement increased.

35. That the sum of three hundred dollars be paid in addition to the present salary of the president of the board of internal improvement, per annum, during the remainder of the term of his present office.

Fuel for governor.

36. That the keeper of the penitentiary be authorized to supply the governor with fuel to an amount not exceeding three hundred dollars per year, and that he be allowed credit therefor in his annual settlements with the commissioners of the sinking fund.

Extra clerk hire in Senate.

37. That the auditor be required to draw his warrant on the treasurer in favor of the clerk of the senate for the amount of the compensation for extra clerk hire, authorized to be employed by resolution of the senate, to be estimated by the clerk.

Second Lunatic Asylum.

38. To the second Kentucky lunatic asylum, for the support of the lunatics, for the years 1854 and 1855, if required, ten thousand dollars. For salary of the superintendent for 1854 and 1855, at the rate of one thousand five hundred dollars per year, from the time he enters on the duties of his office. To the assistant physician for 1854 and 1855, at the rate of two hundred and fifty dollars per year, from the time he enters on the duties of his office. To the steward for 1854 and 1855, at the rate of four hundred dollars per year, from the time he enters on the duties of his office. To the matron for the years 1854 and 1855, at the rate of two hundred dollars per year, from the time she enters on the duties of her office. To the treasurer for the years 1854 and 1855, at the rate of four hundred dollars per year, from the time he enters on the duties of his office. For pay of servants, if required, for 1854, six hundred dollars. For same, if required, for 1855, one thousand dollars. For furnishing the asylum, to be done under the supervision of the managers, if required, in 1854, four thousand dollars. For same, if required, in same manner in 1855 two thousand dollars. The appropriations for conducting said asylum shall not go into effect until the governor shall have issued a proclamation that it is ready for the reception of patients, and shall then be payable quarterly in advance; and none of the officers or agents

thereof shall be considered as having entered on the duties of their offices, until the asylum shall be opened for the reception of patients.

39. To A. C. Conery, per bill rendered, five dollars and fifty cents.

40. To the two servants who have waited on the senate and house of representatives during the present session, ten dollars each, to be received by the doorkeeper of the senate and paid to them.

Approved March 9, 1854.

1854.

A. C. Conery.

Servants.

CHAPTER 871.

AN ACT for the benefit of the owners of slaves.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the owners of ferry-boats, skiffs, and all descriptions of water crafts lying upon the Kentucky shore of the Ohio river, between the Virginia line on said river, to the Tennessee line, including the entire line of this state running with the Ohio river, be and they are hereby required to keep such boats, skiffs, and water crafts fastened with a substantial chain and lock to some permanent fastening on the Kentucky shore of the Ohio river, in the absence of the owner or agent; and for a failure on the part of said owners to comply with this provision, for the space of two hours, at any one time, they shall forfeit and pay to the commonwealth of Kentucky ten dollars for each and every such offense--the one-half of said fine to the informer, the residue to the commonwealth; and it is made the duty of sheriffs, constables, and all patrols, to see that this law is faithfully executed; said fines to be assessed by any court of competent jurisdiction. This act to take effect from the first of July, 1854.

Penalty on owners of ferry boats, skiffs, &c, on Ohio river for failure to keep craft fastened with chain and lock. Sec. 17 and 18, chap. 59, title Ferries, Rev. Stat. 361.

Approved March 9, 1854.

CHAPTER 878.

AN ACT to protect graves and grave-yards.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That if any person shall violate the grave of a white person by willfully destroying, removing, or injuring the head or foot stones of, the tomb over, or the inclosure protecting such grave, or by digging into or plowing over the same, he shall be fined at the discretion of a jury not exceeding one hundred dollars.

§ 2. That the relations of a person buried in a family or ancient private grave-yard, situate within the land of a person who is not a relative of the deceased, shall have the right of such ingress or egress to and from such grave-

Penalty for desecrating graves.

Relations of deceased may have ingress and egress to grave-yards to make repairs of grave.

1854.

If owner refuse, trial to be had.

yard, as shall be necessary and proper for the purpose of repairing such grave, or tomb, or inclosure protecting the same; and if the owner, upon application, refuse such ingress and egress, such relations may apply to the nearest justice of the peace, upon reasonable notice to such owner, for an order for such ingress and egress, and the justice, if satisfied of the propriety and necessity of such repairs, shall make the order prescribing the manner and times of ingress and egress; and if the owner demand it, the justice shall impanel a jury to assess the damages which the owner will sustain thereby, which damages shall be paid by the applicants.

Approved March 9, 1854.

CHAPTER 879.

AN ACT for the incorporation of voluntary associations.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any three or more persons may voluntarily associate themselves together for either of the following purposes:

The several purposes for which associations may be formed.

1. To establish and maintain horticultural, literary, and scientific associations, public libraries, schools, and colleges.

2. To organize and maintain military companies, and also fire companies, except in towns and cities where the organization of fire companies is or may be otherwise provided for by law.

3. To provide suitable grounds for the burial of the dead, for public walks and commons, and to ornament the same in a suitable manner.

4. To erect and maintain churches and places of public worship.

5. To organize masonic and odd fellows lodges, subordinate to their several grand lodges, and also divisions of the sons and daughters of temperance, and other charitable associations and orders.

6. To erect and maintain hotels and suitable places for public meetings.

To be formed by written articles.

§ 2. Every such association shall be formed by written articles specifying the name of the corporation, the objects of the same, and the conditions of membership, and shall be signed by each member thereof, and shall be obligatory on them, their associates, successors and assigns.

Articles of association to be recorded in clerk's office.

§ 3. The members of such association shall file their articles aforesaid with the clerk of the county court of the county in which their operations are to be carried on, who shall record the same, receiving the same compensation therefor as for recording deeds; and such association shall then be a body politic and corporate, by the name stated

1854.

in the articles aforesaid ; shall have succession ; may have and use a common seal ; and shall be capable of suing and being sued, and of purchasing, taking, and holding such property, and of doing such acts, not inconsistent with law, as may be necessary and proper for carrying out the objects hereby authorized, and which shall have been specified in their articles aforesaid.

§ 4. The stock and corporate property of such corporation may be divided into shares of such amount, each, as the members may determine, and the manner of holding and disposing of the same shall be regulated by their articles aforesaid.

Stock may be divided into shares.

§ 5. The clerk or secretary of such corporation shall keep a fair record of the proceedings thereof, in a book to be kept for that purpose ; and such records or copies thereof duly attested by the clerk or secretary of the corporation, and copies of the aforesaid articles certified by the clerk of the court wherein the same shall have been recorded as herein directed, may be read as evidence, when the interests of such corporation are concerned.

Record of proceedings to be kept and copies evidence.

§ 6. That the amount of land which any corporate body under this act may acquire and hold is limited to such amount as the county court may authorize, not exceeding one hundred acres.

Quantity of land limited.

§ 7. The corporations authorized by this act shall exercise no power except such as are necessary and proper for carrying out the objects specified in the first section of this act, and particularly shall have no power of discounting or purchasing promissory notes or bills of exchange.

To exercise no powers except those mentioned in first section.

§ 8. The manner of dissolving such corporations may be provided in the articles ; but upon the dissolution all the corporate property and funds shall be applied to the payment of any debt or liabilities of the corporation ; and for a failure so to apply them, the members of the corporation, at the time of such dissolution, shall be individually liable for such debts or liabilities.

Manner of dissolving, and how corporate funds applied.

Approved March 9, 1854.

CHAPTER 886.

AN ACT to prevent persons from pulling down advertisements for the sale of real or personal estate.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter if any person or persons shall pull down, take down, or deface any printed or written advertisement for the sale of real or personal property, placed up by any sheriff, deputy sheriff, coroner, constable, or commissioner, authorized to make sale of such property by execution, decree, or order of sale of any court, before the day of sale mentioned in such advertisement ; any person so offending shall be fined not less than five nor

Penalty for pulling down or defacing advertisements of official sales of property.

1854.

Fines to be
paid in aid of
jury fund.

more than twenty five dollars for each offense, to be recovered by warrant, in the name of the commonwealth, before any justice of the peace or county judge of the county in which such offense may be committed, or by indictment in the circuit court of such county.

§ 2. That all fines collected under the provisions of this act shall be accounted for and paid over to the commissioner of the jury fund by the officer collecting the same, and by such commissioner accounted for as now directed by law to account for other fines and moneys paid to him as such.

Approved March 10, 1854.

CHAPTER 887.

AN ACT fixing the time of holding the several Circuit Courts in the third Judicial District.

Hancock.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the terms of the Hancock circuit court shall commence on the first Mondays in March and September, and continue six juridical days at each term, if the business of the court shall require it.

Daviess.

§ 2. The terms of the Daviess circuit court shall commence on the second Mondays in March and September, and continue each twelve juridical days, if the business of the court shall require it.

McLean.

§ 3. The terms of the McLean circuit court shall commence on the fourth Mondays in March and September, and continue each six juridical days, if the business of the court shall require it.

Muhlenburg.

§ 4. The terms of the Muhlenburg circuit court shall commence on the first Mondays in April and October, and continue each twelve juridical days, if the business of the court shall require it.

Ohio.

§ 5. The terms of the Ohio circuit court shall commence on the third Mondays in April and October, and continue each six juridical days, if the business of the court shall require it.

Grayson.

§ 6. The terms of the Grayson circuit court shall commence on the fourth Mondays in April and October, and continue each six juridical days, if the business of the court shall require it.

Breckinridge.

§ 7. The terms of the Breckinridge circuit court shall commence on the first Mondays in May and November, and continue each six juridical days, if the business of the court shall require it.

Meade.

§ 8. The terms of the Meade circuit court shall commence on the second Mondays in May and November, and continue each six juridical days, if the business shall require it.

§ 9. The terms of the Hardin circuit court shall commence on the fourth Mondays of May and November, and continue each twelve juridical days, if the business of the court shall require it. There shall also be held a term for the trial of chancery, criminal, and penal causes only, in Hardin, commencing on the second Monday in July, and continue twelve juridical days, if the business of the court shall require it.

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Hardin.

§ 10. The terms of the Larue circuit court shall commence on the second Mondays in June and December, and continue each twelve juridical days, if the business of the court require it.

Larue.

§ 11. That the judge of the third judicial district is hereby authorized to appoint and hold a special term for the trial of chancery, criminal, and penal causes, in any county in said district where the business of the court may require it.

Special terms may be held in any county.

§ 12. That the chancery and criminal terms now required by law to be held for the county of Daviess, and also an act passed at the present session of the general assembly requiring a chancery and criminal term to be held for the county of Larue, be and the same are hereby repealed ; * and that this section shall not take effect until the first day of August, 1854.

§ 13. This act to take effect on the first day of August next.

Approved March 10, 1854.

[*The act to create a special chancery and criminal term for Larue county repealed by this section, is chapter 307 of this volume.]

CHAPTER 888.

AN ACT to amend the Revised Statutes, title "Inclosures and certain Trespasses," by adding an additional article to be numbered article 3.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the owner of any land in this state may maintain the appropriate action to recover damages for any trespass or injury committed thereon, notwithstanding such owner may not have the actual possession of the land at the time of the commission of the trespass.†

Rev. Stat. 407.

Approved March 10, 1854.

[†The court of appeals decided in McClain v. Todd's heirs, (5 J. J. Marshall, 336,) that an action of trespass for injury to land could be maintained only by a person in actual possession of the premises at the date of the injury.]

1854.

CHAPTER 900.

AN ACT supplemental to the act making an appropriation for repairing the Lunatic Asylum at Lexington.

Chapter 734 of
this volume.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of ten thousand dollars, appropriated at the present session of this legislature, for the purpose of re-building that portion of the lunatic asylum at Lexington which was consumed by fire, and the sum of five thousand dollars for the purpose of heating with steam said asylum, shall be drawn from the treasury in the following manner and upon the following terms and conditions, viz: It shall be the duty of the superintendent of said asylum, to advertise in the newspapers of Lexington and Louisville, for proposals for building that portion of the asylum destroyed by fire, and for heating the same by steam, according to plans approved by the board of managers for said asylum—and sufficient specifications and information shall accompany said advertisements to enable persons proposing to do so advisedly; and the said superintendent and board of managers shall award the contracts for re-building said asylum and heating the same to the lowest, best bidder or bidders; and the said superintendent shall take bond and security from the person or persons to whom the contract or contracts may be awarded, to re-build said asylum according to the plan and specifications aforesaid for any sum not exceeding ten thousand dollars, and to heat the same with steam for any sum not exceeding five thousand dollars; and shall specify in the contract or contracts a time within which the same shall be performed. And upon the approval of said contract or contracts and said bond or bonds, by the board of managers, the sums appropriated as aforesaid, shall be drawn as the same are needed, but not otherwise. This act shall take effect from its passage.

Approved March 10, 1854.

CHAPTER 902.

AN ACT declaring Licking river, and Hammond's fork of Goose creek navigable streams.

Licking river
declared navi-
gable.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Licking river, from West Liberty to the Licking station in Morgan county, be and the same is hereby declared navigable: *Provided,* that nothing herein contained shall interfere with any mill or mill-dam on said river.

Hammond's
fork navigable.

§ 2. That Hammond's fork of Goose creek, as far up as Smith's mill, shall be and is hereby declared navigable.

Approved March 10, 1854.

CHAPTER 903.

AN ACT to regulate the Board of Internal Improvement, and requiring them to make annual settlements.

1854.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the board of internal improvement be required to make annual settlements on the 10th day of October in each year, and pay over the tolls collected on each line of navigation monthly; and the president of the board is hereby authorized to make his requisition upon the treasury for the amount necessary to pay for repairs and other necessary expenses to keep each line of navigation in good order.

Board to make annual settlements.

Tolls to be paid monthly.

President to make requisition on treasury for repairs.

§ 2. That the board shall regulate the salaries of officers upon each line of navigation; and all acts, or parts of acts, coming within the purview of this act, are hereby repealed.

Board to regulate salaries of officers on each line of navigation.

Rev. Stat. 421.

Approved March 10, 1854.

CHAPTER 923.

AN ACT to amend an act, entitled "an act concerning certain public books," approved January 3, 1852.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if any person in this commonwealth, heretofore, and not now holding the office of judge of the court of appeals, judge of a circuit court, or commonwealth's attorney, who may have failed to return to the clerk of the county court of the county of his residence, all public books in his possession as required by an act of the general assembly of the commonwealth of Kentucky, entitled, "an act concerning certain public books," approved January 3, 1852, it shall be the duty of the county court to enter a rule against such delinquent, requiring him to appear at such term as said court shall think proper, and show cause why he shall not be required to deliver such books; and upon the return of such order executed, the court shall examine the case and compel said delinquent to deliver the same to the clerk of said court at his office, by process of attachment and imprisonment, until he shall comply with the provisions of said act. It is hereby made the duty of the several county attorneys to see that the provisions of this act are complied with, and to institute proceedings against all such as shall fail to comply with its provisions. And if it shall appear, upon the hearing of said cause, that such delinquent failed without sufficient excuse to deliver said books, the said court shall render judgment against him for any sum not less than five nor more than twenty dollars, and the costs of said proceeding; and there shall, in every such judgment, be taxed an attorney's fee of five dollars, as part of the costs of the county attorney, if he shall attend to said cause.

Penalty on persons failing to return public books.

Jurisdiction given to county courts to enforce compliance.

Rev. Stat. 435.

Duty of county attorneys to enforce a compliance to this act.

Fee of county attorney.

Approved March 10, 1854.

1854.

CHAPTER 927.

AN ACT supplemental to an act to amend the Code of Practice in Civil Actions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Code of Practice in civil actions be amended by inserting therein the following sections at their appropriate places in the code :

Amendment to
Code of Prac-
tice. See chap.
287.

§ 1. In an action on a mortgage or lien, the judgment may be rendered for the sale of the property, and for the recovery of the debt against the defendant personally.

§ 2. Where it is made to appear by the affidavit of the party and the written statement of his attorney, that the testimony of a witness is important, and that the just and proper effect of his testimony cannot in a reasonable degree be obtained without an oral examination before the jury, the court may, at its discretion, order the personal attendance of the witness to be coerced, although such witness may otherwise be exempt from personal attendance by the provisions of this code.

§ 3. Where the judge of the county court does not keep an office at or within one mile of the county seat, or is absent from his office, the clerk of the county court may issue the summons in an action in the quarterly court in the same manner and under the same circumstances as the judge, and also subpoenas for witnesses, and shall be allowed therefor the same fees as the judge. The clerk shall, before the next term of the quarterly court, deliver to the judge all papers filed with him upon which he has issued any summons, and a list of the process issued by him, for the purpose of being properly taxed in the costs.

§ 4. A judgment obtained in an action by ordinary proceedings shall not be annulled or modified by any order in an action by equitable proceedings, except for a defense which has arisen or been discovered since the judgment was rendered. But such judgment does not prevent the recovery of any claim, though such claim might have been used as a defense by way of set-off or counter-claim in the action on which the judgment was recovered.

§ 5. Judgments for the recovery of money may be set-off against each other, having due regard to the legal and equitable rights of all persons interested in both judgments. The set-off may be ordered upon motion after reasonable notice to the adverse party, where both judgments are in the same court, or in an action by equitable proceedings in the court in which the judgment sought to be annulled by the set-off, was rendered.

§ 6. During the pendency of an action, the judgment in which when recovered could be used as a set-off against a judgment in favor of the defendants or either of them, the court, to prevent loss by insolvency, non-residence, or otherwise, may enjoin the collection of the judgment in favor of such defendants, according to the provisions of

chapter 4, title 8, of this code, to enable the plaintiff to make the set-off.

1854.

§ 7. An action for the recovery of money, in the meaning of this code, includes an action for the recovery of damages as well as of money due by contract.

§ 8. This act, and the act amending the Code of Practice in civil actions passed at the present session of the legislature, shall so far go into effect upon the passage of this act, that all proceedings in pursuance of the provisions of said acts shall be valid, but no proceeding commenced before the 1st day of July, 1854, shall be rendered invalid by said acts.

Approved March 10, 1854.

CHAPTER 940.

AN ACT to regulate the Spring terms of the circuit courts in the first Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the spring term of the Marshall circuit court shall commence on the first Monday in May, and shall continue twelve juridical days, if the business shall require it.

Marshall.

The spring term of the Calloway circuit court shall commence on the third Monday in May, and continue twelve juridical days, if the business of the court shall require it.

Calloway.

The Graves circuit court shall commence on the first Monday in June, and continue twelve juridical days, if the business of the court shall require it.

Graves.

The Livingston circuit court shall commence on the third Monday in June, and continue twelve juridical days, if the business of the court shall require it. There shall also be a term of the Livingston circuit court for the trial of chancery, criminal, and penal causes, commencing on the first Monday in August, instead of the fourth Monday in July, and continue six juridical days, if the business shall require it.

Livingston.

Livingston
chancery term.

The spring term of the Crittenden circuit court shall commence on the second Monday in July, and continue twelve juridical days if the business of the court shall require it. The fall term of said court shall be held as now provided for by law.

Crittenden.

Approved March 10, 1854.

1854.

CHAPTER 944.

AN ACT to provide compensation for judges of contested elections of county officers, and those whose duty it is to compare polls of elections.

Judges of contested elections entitled to \$2 per day. Rev. Stat. 208, chap. 22, art. 7, sec. 4, title Elections.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the several county courts in this commonwealth, at their court of claims, to make an allowance at the rate of two dollars per day each to all officers who shall be, by law, required to sit as judges of contested elections, for each day they may be thus actually and necessarily employed in adjudicating upon any contested election.

Officers who compare polls entitled to \$1 per day each.

Rev. Stat. 208, chap. 22, art. 5, title Elections.

§ 2. It shall also be the duty of said courts, at the times aforesaid, to make the officers whose duty it is, by law, to attend and compare the polls of any election or elections, an allowance of the sum of one dollar per day, each, for the time they may be thus necessarily employed.

Approved March 10, 1854.

CHAPTER 948.

AN ACT to amend article 5, entitled "the sale of land and slaves of married women," of chapter 86, of the Revised Statutes,

Rev. Stat. 503.

Land or slaves of a married woman, &c., may be sold and proceeds re-invested.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That land or slaves conveyed or devised to any woman, married or unmarried, or in trust for the use of a married woman, or for the use of an unmarried woman to the exclusion of any husband she may have, with remainder over to her children, or to such of them as may survive her, or to the issue of such children, may, by the order of a court of equity not inferior to the circuit court, be sold by the trustee or a commissioner appointed by such court, for the purpose of being re-invested according to the order of such court, in other property to be held for the same uses and trusts and in the same manner in all respects as the property sold; and the court shall see that the re-investment is made, and the price shall remain a charge upon the land and slaves sold, until the purchase money is paid. But such order of sale shall only be made upon abundant proof to the court, that the sale and re-investment will be beneficial to all interested in the property, and upon the children, if any, and the issue of such children as are dead being made parties to the proceedings.

Approved March 10, 1854.

CHAPTER 953.

1854.

AN ACT to pay the debts now due to contractors on the Second Kentucky Lunatic Asylum, and to provide for the prosecution of the work to completion.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That for the purpose of paying the debts now due the contractors on said building, the sum of twenty six thousand eight hundred and seventy two dollars and sixty cents, be and the same is hereby appropriated; and, for the purpose of prosecuting the work necessary to complete the same, the further sum of seventeen thousand one hundred and forty five dollars, is appropriated, to be paid out of any money in the treasury not otherwise appropriated; and said sums shall be drawn by the commissioners, to be appointed as hereinafter provided, upon their executing bond with good security, in the penalty of sixty thousand dollars, to be approved by the governor, conditioned for the faithful application of the money herein appropriated, and as herein provided.

Appropriation
to pay debts
now due.

To complete
buildings.

§ 2. That the governor of the commonwealth is hereby empowered and required to appoint three commissioners, who shall proceed to examine into all the accounts and vouchers of the present building committee, since the commencement of their service as commissioners; to state and settle all said accounts and vouchers; to ascertain the amount now due the contractors, with the items of indebtedness to them; and make out a complete list of said vouchers, and report the same, when made out, to the governor of the commonwealth; and no greater amount shall be drawn from the treasury to pay such contractors than is found to be due to them from the report of said commissioners; and in no event is the sum to be drawn from the treasury, for that purpose, to exceed the amount herein appropriated. When said settlement is made and reported to the governor, as required by this act, and he is satisfied from said report that all moneys received by the building commissioners, under the several acts making appropriations for the erection of said building, have been duly applied as required by said acts, and all balances in their hands accounted for, he shall direct that all bonds executed by said building commissioners and their securities, and on file in the office of the secretary of state, be cancelled and surrendered up to said commissioners; and should either of the commissioners whose appointment is required by this act resign, or from any cause fail or refuse to act as such, then the governor is authorized and required to fill such vacancy.

Governor to ap-
point three com-
missioners to
settle with
building com-
mittee.

§ 3. That the commissioners to be appointed under this act are authorized and empowered to have said buildings completed in a plain, substantial, and economical manner; and for this purpose they are authorized and empowered to appoint an architect, and other necessary agents;

Commissioners
to have build-
ings completed.

1854.

Commissioners
to examine
books, papers,
&c., summon
witnesses.

to make such contracts for the completion of said buildings as they may deem proper to carry out the powers with which they are, by this act, invested; but the amount to be so expended for the completion of said building is not to exceed the sum of seventeen thousand one hundred and forty five dollars herein appropriated for that purpose.

§ 4. That for the purpose of enabling the commissioners, to be appointed under this act, to perform the duties imposed upon them, they are authorized and empowered to examine all the books and papers of the present commissioners relating to said commission, and to compel their production; to summon witnesses and enforce their attendance; to administer oaths, and to examine the present commissioners, under oath, touching any matter connected with said institution: *Provided*, that no part of the sums hereby appropriated shall be drawn until the building is completed, and no additional debt shall be incurred.

Approved March 10, 1854.

CHAPTER 955.

AN ACT to amend the act authorizing an additional tax for Common school purposes.

Supplement to
chap. 502.

Vote to be
taken in 1855.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act authorizing an additional tax for common school purposes, be and the same is hereby so amended as to require the vote of the people upon such tax to be taken at the annual election in 1855, instead of 1854, as now provided in said act.

Approved March 10, 1854.

CHAPTER 960.

AN ACT to amend the 3d article of the 47th chapter of the Revised Statutes, entitled "Divorce and Alimony."

Rev. Stat. 389,
chap. 47, art 3,
title Husband
and Wife.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a party obtaining a divorce may marry again at any time after final decree of separation; and the party against whom the decree of divorce is rendered may marry again at any time after one year from said decree.

§ 2. That living separate and apart without co-habitation for five consecutive years, the last two of which is with the intention of abandonment, shall be deemed a sufficient cause for divorce to both parties.

§ 3. That the provisions of this act shall extend to and embrace all persons who have heretofore been divorced; or where a divorce has been granted to either man or woman twelve months before the passage of this act.

§ 4. That this act shall take effect from its passage.

Approved March 10, 1854.

CHAPTER 962.

AN ACT to amend the 102d chapter of Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, that six months be allowed, from and after the date of the entry, for making surveys and locating land warrants under treasury warrants granted under the Revised Statutes, chapter 102, title "Treasury Warrants;" and that the plat and certificate of all surveys thus made, must be deposited in the register's office within six months after the survey is made: *Provided*, that said surveys may be returned after that time; but in such case the title shall take its date from the time the patent thereon shall issue.

Approved March 10, 1854.

1854.

Rev. Stat. 576.
title Treasury
Warrant Claims
chap. 102, sec. 3.

Six months allowed to make survey after entry.

To be returned to register within 6 months

If returned afterwards title to date from issuing of patent.

CHAPTER 964.

AN ACT for the redress of injuries arising from the neglect or misconduct of Railroad Companies, and others.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That if the life of any person not in the employment of a railroad company shall be lost by reason of the negligence or carelessness of the proprietor or proprietors of any railroad, or by the unfitness, or negligence, or carelessness of their servants or agents, in this state, the personal representative of the person whose life is so lost may institute suit and recover damages in the same manner that the person himself might have done for any injury where death did not ensue.

Where life is lost from negligence, personal representative may bring suit for damages.

§ 2. That where cattle or other stock shall be killed or injured by the locomotives or cars of a railroad company, on the track of said road adjoining the lands belonging to or in the occupation of the owner of such cattle or stock, and where the owner of said land has not received compensation for fencing said land along said road, the loss shall be divided between the railroad company and the owner of such cattle or stock, unless the killing or injury arose from the willful act, or carelessness, or negligence of the agents or servants of such company, in which case the whole loss shall be paid by such company.

If cattle or other stock are killed, what damages may be recovered.

§ 3. That if the life of any person or persons is lost or destroyed by the willful neglect of another person or persons, company or companies, corporation or corporations, their agents or servants, then the personal representative of the deceased shall have the right to sue such person or persons, company or companies, corporation or corporations, and recover punitive damages for the loss or destruction of the life aforesaid.

Provisions of 1st section applied to all persons, companies, and corporations.

§ 4. The actions under this act shall be commenced within one year from the time of such death.

Limitation.

Approved March 10, 1854.

1854.

CHAPTER 966.

AN ACT to change the time of paying the revenue into the Treasury.

Rev. Stat. 571.

Revenue to be paid into treasury by 15th December of each year.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the 6th and 7th sections of the 9th article of the 83d chapter of the Revised Statutes, entitled "Revenue and Taxation," be and the same are hereby amended by the substitution of the word "December" for the word "January" in each section.

Approved March 10, 1854.

CHAPTER 967.

AN ACT regulating the time of holding the County Court of Ohio county.

Monthly county court to be held in Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter there shall be a monthly county court held in Ohio county: *Provided,* that when the circuit court is held on the same day as the aforesaid court, then the county judge shall appoint the day for holding the same.

Approved March 10, 1854.

CHAPTER 968.

AN ACT further to regulate the two Lunatic Asylums.

Governor to proclaim when Western Lunatic Asylum is opened.

State divided into two lunatic districts.

Judges in 4th and 5th congressional districts may send to either.

Certain lunatics to be transferred from eastern asylum.

Pay patients to be received.

Stewards' salary.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That whenever the governor shall make proclamation that the western lunatic asylum is ready for the reception of patients, all pauper idiots and lunatics, who are intended to be sent to either of the asylums from any of the counties composing the first, second, and third congressional districts, as now established by law, shall be sent to the western lunatic asylum; and those from the rest of the state to the eastern lunatic asylum, until otherwise provided by law: *Provided,* that the circuit judges holding courts in the fourth and fifth congressional districts may send pauper idiots and lunatics to either of said asylums, at the discretion of said judges.

§ 2. That the managers of the eastern lunatic asylum be authorized to remove to the western asylum all pauper idiots and lunatics from the eastern asylum from the counties hereinbefore specified, and who can be removed with safety, at any time after the said western asylum is ready to receive patients.

§ 3. The managers of each of the asylums may charge paying patients, citizens of this state, any sum not exceeding one hundred dollars a year each.

§ 4. The managers of each of the asylums may pay the stewards a salary not exceeding five hundred dollars a year each.

Approved March 10, 1854.

CHAPTER 969.

AN ACT to regulate the tare on manufactured tobacco.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of every person engaged in the business of manufacturing tobacco, to mark on every keg, box, bale, or package, containing manufactured tobacco, the true weight of such keg, box, bale, or package, before the same is sold or offered for sale; and any person who shall fail so to mark the tare thereon, or shall mark the tare at less than the true weight of such keg, box, bale, or other package, shall be fined not less than five nor more than twenty-five dollars, at the discretion of a jury: *Provided,* that the manufacturers of tobacco may charge a reasonable compensation for the box, bale, or package containing the tobacco.

Approved March 10, 1854.

1854.
Manufacturers
of tobacco to
mark the true
weight of each
keg, &c.
Penalty.

CHAPTER 971.

AN ACT to change the time of holding the courts of the tenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the circuit courts in the tenth judicial district begin and be held as follows, to-wit: In the county of Montgomery on the second Mondays in February and August of each year, and continue, each, twelve juridical days. And on the third Monday of June in each year there shall be held a special term for the trial of equitable issues alone, and continue six juridical days.

Montgomery.

In the county of Powell on the first Mondays in March and September of each year, and continue, each, six juridical days.

Powell.

In the county of Morgan on the second Mondays in March and September of each year, and continue, each, twelve juridical days.

Morgan.

In the county of Bath on the third Mondays of March and September, of each year, and continue, each, twelve juridical days.

Bath.

In the county of Fleming on the first Mondays of April and October in each year, and continue, each, twelve juridical days. There shall also be held a term for the trial of chancery and criminal causes, in Fleming, on the second Monday in August, and continue one week.

Fleming.

In the county of Carter on the third Mondays of April and October of each year, and continue, each, six juridical days.

Carter.

In the county of Lawrence on the fourth Mondays in April and October of each year, and continue, each, six juridical days.

Lawrence.

In county of Greenup on the third Mondays in May and November of each year, and continue, each, twelve juridical days. There shall also be held a term for the

Greenup.

1854.

trial of chancery and criminal causes, in Greenup, commencing on the third Mondays in July of each year, and continue one week.

Lewis.

And in the county of Lewis on the Mondays succeeding the Greenup circuit court in May and November, and continue, each, six juridical days.

This act shall not take effect until the first Monday in August, 1854.

Approved March 10, 1854.

CHAPTER 977.

AN ACT to amend the eighty third chapter of the Revised Statutes.

Rev. Stat. 551.

Tax on peddlers for the state increased to \$65.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the fourth section of the second article of the eighty-third chapter of the Revised Statutes be so changed as to increase the tax on a license to a peddler, for the whole state, from fifty dollars to sixty-five dollars for twelve months.

Rev. Stat. 551.

Tax on peddlers for three months increased.

§ 2. That the the fifth section of the second article of the same chapter of the Revised Statutes be so changed as to increase the tax on a license to sell or peddle for three months, in one or more counties, for each one hundred voters in the counties named in such license, from fifty cents to sixty-five cents:

Approved March 10, 1854.

CHAPTER 992.

AN ACT to facilitate the collection of the revenue.

Executions in favor of the commonwealth against a defaulting sheriff may be directed to sheriffs of adjoining county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon any judgment of the Franklin circuit court rendered in proceedings on behalf of the commonwealth against a sheriff for failing to account for, or pay into, the treasury, any public money, revenue, or tax, the auditor may, in his discretion, sue out execution directed to the sheriff of a county adjoining that of which such defaulter is sheriff, and, thereupon, the sheriff to whose hands the execution shall come, shall have authority, and it shall be his duty, to serve and collect the execution in the county of the defaulting sheriff in all respects as he might and should do in his own county; and upon such execution he shall have the same powers, rights, and privileges, and be entitled to the same fees and commissions, and be subject to the same liabilities and duties, as he or any other officer would, upon similar executions to be served in his own county.

Approved March 10, 1854.

CHAPTER 999.

1854.

AN ACT to change the time of holding the Jessamine and Woodford County Courts.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Jessamine county shall hereafter be held on the third Monday in each month, and the county court of Woodford on the first Mondays in each month, except April and October—in which months said courts shall be on the third Mondays.

Jessamine:

Woodford.

§ 2. The judges of each of said courts shall have the power to adjourn their respective courts from day to day, till the business is completed.

§ 3. This act shall not take effect until the first day of June, 1854.

Approved March 10, 1854.

CHAPTER 1001.

AN ACT concerning costs in the court of Appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That when the court of appeals reverses a judgment or decree, in whole or in part, the appellee shall pay to the appellant such costs as the court in its discretion may award. This act to take effect from the first of June next.

Court of appeals has discretion as to costs.

Repeals sec. 16, chap. 25, title Costs, Rev. Stat. 204.

Approved March 10, 1854.

CHAPTER 1012.

AN ACT to authorize the formation of corporations for manufacturing, mining, transporting, mechanical, or chemical purposes.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That whenever any three or more persons may desire to form a company for the purpose of carrying on any kind of manufacturing, mining, mechanical, or chemical business, or transportation and vending of coal, they shall make, sign, and acknowledge, before some officer capable of taking the acknowledgement of deeds, a certificate in writing, which shall state the corporate name adopted by the company, the objects of its formation, the amount and number of shares of the capital stock, the terms of its existence, (not, however, to exceed fifty years,) the number of directors, and their names, who shall manage the affairs of the company for the first year, and the name of the town and county in which its operations are to be carried on, or if its operations are to be carried on in more than one county, the name of the county in which its principal business is to be carried on, and shall file said certificate in the office of the clerk of the county court of

Preliminary steps to form a corporation.

Articles to be recorded.

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To be a body
politic.

How managed.

Number of di-
rectors and how
chosen.How vacan-
cies filled.President, &c.
to be chosen.Directors may
require payment
of stock.

such county, which shall be placed upon record, and a duplicate thereof in the office of the secretary of state.

§ 2. When the certificate shall have been filed as aforesaid, the persons having signed the same, and their successors, shall be a body politic and corporate, in fact and in name, by the name stated in such certificate; and by that name shall have succession, and be capable of suing and being sued; may have a common seal, and alter the same at pleasure; and shall, by their corporate name, be capable of purchasing, holding, and conveying any estate, real or personal, necessary to enable such company to carry on the operations named in such certificate, but shall not execute any mortgage thereon, nor deed of trust making preferences between its creditors.

§ 3. The stock, property, and concerns of such company shall be managed by not less than three nor more than nine directors, who shall each be stockholders therein, and citizens of the United States, who shall, except the first year, be annually elected by the stockholders, at such time and place as shall be directed by the by-laws of the company, and a majority of whom shall constitute a quorum. Notice of the first election of directors shall be signed by the directors named in the aforesaid certificate or a majority of them, and ten days at least, before the election, delivered to each stockholder, or published in a newspaper printed in the county wherein the corporation may be established, or if none, then in the newspaper printed in this state nearest thereto. All elections shall be by ballot, and be made by such of the stockholders as attend for that purpose in person, or by proxy authorized in writing; and each stockholder shall be entitled to as many votes as he owns shares of stock in said company, and the persons receiving the greatest number of votes shall be directors; and when any vacancy shall happen among the directors by death, resignation, or otherwise, it shall be filled for the remainder of the year in such manner as may be provided for by the by-laws of the said company. The failure to elect directors on the day designated by the by-laws shall not cause a dissolution of the company, but such election may be made on any other day, in such manner as may be designated by the by-laws; and all acts of directors shall be valid and binding on the company until their successors shall be elected.

§ 4. There shall be a president of the company, to be chosen from among the directors, and a secretary, and such subordinate officers as the by-laws may designate, who may be elected or appointed in such manner, and shall give such security for the performance of their duties as the company by its by-laws may require.

§ 5. The directors may demand from the stockholders, respectively, such sums of money by them subscribed, at such time, and in such installments, as the directors may

1854.

deem proper, under the penalty of forfeiting the stock subscribed for, and all previous payments thereon, unless payment shall be made by the stockholders within sixty days after a personal demand, or after notice requiring such payment shall have been published in the newspaper designated in section three.

§ 6. The directors of such company may make such prudential by-laws as they shall deem proper for the management of the stock and business affairs of the company, not inconsistent with the laws of this state, and prescribing the duties of officers, artificers, and servants, that may be employed, for the appointment of all officers, and for carrying on all kinds of business within the objects and purposes of the company.

May make by-laws.

§ 7. The stock of such company shall be divided into shares of not less than twenty-five dollars, nor more than one hundred dollars each; shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe; but no stock shall be transferable until all previous calls thereon shall have been paid, or until the stock shall have been declared forfeited for the non-payment of calls thereon.

Stock to be divided into shares.

§ 8. The copy of any certificate of incorporation, filed in pursuance of this act, certified by the clerk of the court wherein it is filed, or his deputy, or by the secretary of state, shall be received in all courts and places as presumptive evidence of the facts therein stated.

Copy of articles to be evidence.

§ 9. The capital stock fixed and limited in the certificate of incorporation shall be all paid in, one half thereof within one year, and the other half thereof within two years from the incorporation of the company, or such corporation shall be dissolved; and within thirty days after the payment of the last installment thereof, the president and a majority of the directors shall make and sign a certificate, stating the amount of the capital stock so fixed and paid in, which shall be filed and recorded in the clerk's office wherein the certificate of incorporation shall have been filed; and for recording such certificates the clerk shall be entitled to the same compensation as for recording deeds.

When stock to be paid. When paid certificate to be filed and recorded in clerk's office.

§ 10. Any company which may be formed under this act may change or extend its operations to any business mentioned in the first section, and may increase or diminish its capital stock to any amount deemed sufficient and proper for the purposes of the company, subject to the provisions and liabilities of this act; but the stock shall not be diminished below the amount of the then existing debts and liabilities of the company.

Business may be changed or extended.

§ 11. If the president, and a majority of the directors of any such company, shall desire to call a meeting of the stockholders for the purpose of increasing or diminishing the capital stock, or of extending or changing the business

Notice to be given of increasing or diminishing stock, or changing business.

1854.

of the company, they shall sign a notice of the time, place, and objects of the meeting, which shall be published in a newspaper printed in the county where the corporation shall have been formed, if there be any newspaper printed in such county, at least three weeks before such meeting, and a written or printed copy of such notice shall be delivered to each stockholder, or deposited in the post office, addressed to him at his usual place of residence, at least three weeks before the meeting; and a vote of at least two-thirds of all the shares of stock of such company shall be necessary to increase or diminish the amount of the capital stock, or to change or extend the business of the company; the stockholders may vote at such meeting in person or by proxy; and if the holders of two-thirds of the stock shall vote for an increase or diminution of the capital stock, or for a change or extension of the business as aforesaid, such increase or diminution of the stock, or change or extension of the business shall be made, after a certificate of the proceedings of the meeting, showing the business to which the operations of the company are to be changed or extended, and the amount to which the capital stock is to be increased or diminished, and, if diminished, the whole amount of the debts and liabilities of the company shall have been signed and sworn to by the president and countersigned by the secretary of the company, and filed for record, as required by the first section of this act, and after a duplicate thereof shall have been filed in the office of the secretary of state. And if the capital stock should be increased, all the provisions of this act concerning the original stock, and the payment thereof, shall be equally applicable to the increased stock, and the payment thereof.

Company to keep a book showing names and residence of stockholders for inspection of stockholders and creditors.

§ 12. Every such company shall cause its secretary or treasurer to keep a book, showing the names, alphabetically arranged, of all persons who are, or shall have been, within six years, stockholders of such company, their places of residence, the amount of stock held by each, when they respectively became the owners thereof, and the amount of stock actually paid in; which book, during the usual business hours of every day, shall be kept open, at the office or principal place of business of the company in the county where its business shall be located, for the inspection of stockholders and creditors of the company, and their personal representatives, any and each one of whom shall have the right to take extracts therefrom; and no transfer of stock in such company shall be valid for any purpose except to render the person to whom the transfer shall be made liable for the debts of the company as other stockholders, until an entry thereof shall have been made in said book, showing to and from whom the transfer is made. Such book shall be presumptive evidence of the facts therein stated, in favor of the plaintiff,

in any suit or proceeding against such company, its president, directors and stockholders, or any one or more of them. Every company which shall neglect or refuse to keep such book, and to have every proper entry made therein, or to exhibit such book or to allow it to be inspected and extracts to be taken therefrom as hereby required, shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, and all the damages resulting therefrom.

1854.

Penalty for failure.

§ 13. The stockholders of every such company shall be individually liable, jointly and severally, for all debts due to laborers and servants for services performed for such corporation; and, until the whole amount of the capital stock of the company shall have been paid, and the payment certified as herein required, they shall be liable jointly and severally, to other creditors of the company to an amount equal to the amount of stock held by them respectively at the times such debts shall have been contracted; but no stockholder shall be personally liable, because of his being a stockholder, for any debt of the company which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of the debt shall have been brought against the company within one year after the debt shall have become due, nor until an execution therefor against the company shall have been returned unsatisfied in whole or in part. But after the full payment of the capital stock and the certificate thereof, as herein provided, the liability of the stockholder, as provided in this section, shall cease.

Stockholders individually liable to laborers and servants, & to creditors to amount of stock by them respectively held.

§ 14. Persons holding stock in any such company as collateral security, or as executor, administrator, guardian or trustee, shall not be personally liable as stockholders; but the person pledging such stock shall be liable as stockholder, and the estates and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner, and to the same extent as the testator or intestate, or the ward or person interested in such trust fund would have been, if he had been living and competent to act, and held the same stock in his own name; and persons pledging their stock as aforesaid, and every such executor, administrator, guardian or trustee, may represent the stock held by them and vote as stockholders at all meetings of the company.

Responsibilities of persons holding stock as collateral security or in a fiduciary character.

§ 15. Every such company shall, annually, within twenty days from the first day of January, make a report, which shall be published in some newspaper printed in the county where the company is located, if any, otherwise in the state, nearest thereto, stating the amount of capital, the amount actually paid in, and the amount of the existing debts of the company, which report shall be signed by the president and a majority of the directors, and verified by the oath of the president or secretary; and if

Annual report to be made and published by directors.

1854.

If they fail, to be individually responsible.

If they contract beyond the capital, individually liable to creditors.

If certificate is false, directors individually liable.

Company or officer may be sued jointly or severally.

Corporate powers continue 3 years after dissolution.

any such company shall fail so to do, the president and directors thereof shall be, jointly and severally, individually liable for all debts of the company then existing or thereafter contracted before such report is made: *Provided*, that if, upon such failure, any one or more of the directors shall make, verify and publish such report as herein required, he or they shall be exempt from such liability.

§ 16. If the president and directors of any such company shall contract debts beyond the amount of the capital stock thereof, they shall be individually liable, jointly and severally, to the creditors of the company for such excess; if they loan money to a stockholder of the company, they shall in like manner be liable to the extent of such loan and interest for all debts contracted while they respectively remain in office, and before the repayment of such loan; and if any dividend shall be made when the company is insolvent, or which would render it insolvent, or diminish its capital stock, except in the manner authorized by sections 10 and 11 of this act, the president and directors shall, in like manner, be liable for all debts of the company then existing, or thereafter contracted, while they respectively continue in office: *Provided*, that if any director shall object to contracting such debts, making such loan, or declaring such dividend, and shall, as soon as may be after the fact comes to his knowledge, file his objection in writing with the secretary of the company, and with the clerk of the county wherein the company is located, he shall be exempt from such liability.

§ 17. If any certificate or report made, or public notice given by the officers of any such company, as required by this act, shall be false in any material representation, all the officers who shall have signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the company contracted while they are stockholders or officers thereof.

§ 18. Where an officer of such company shall be liable, by the provisions of this act, for any debt of the company, the person entitled thereto may sue the officer therefor, though suit be pending against the company for the same demand, and may prosecute both suits until he shall recover his debt, interest and costs, or may sue the officer and the company in one action.

§ 19. All such companies, whose charters shall expire by limitation, forfeiture or otherwise, shall nevertheless be continued bodies corporate for three years after the time they would have been so dissolved, for the purpose of prosecuting and defending suits, and to enable them to settle their affairs, dispose of and convey their property, and divide the capital stock, but not to continue the business for which they were established; and when the charter of any such company shall expire as aforesaid, the circuit court of the county in which its principal place of business is located,

on the application of any creditor or stockholder thereof, within the said three years, may appoint a receiver or receivers, with power to take charge of its estate and effects, collect its debts, dispose of its property, prosecute and defend suits in the name of the corporation or otherwise, appoint agents, and do all other acts which the corporation might do, if in being, necessary to close its business; and said court may make such orders, injunctions, and decrees as justice and equity may require for the purposes aforesaid, and may continue the powers of such receivers beyond the said three years, and as long as the court may deem necessary.

§ 20. Such receivers shall pay all the debts of the company if the funds in their hands are sufficient therefor, otherwise shall distribute the same ratably among all the creditors proving their debts as the court may direct; and if any balance remains, after paying said debts, the cost of the proceedings, and such compensation to the receiver as the court may allow, it shall be distributed among those entitled thereto, as having been stockholders, or their legal representatives.

§ 21. Whenever a judgment against such corporation, or bond having the effect of a judgment, shall have remained unpaid for one year after its rendition or maturity, and execution thereon is not stayed by appeal or supersedeas, the circuit court aforesaid shall have power, upon the application of any creditor or stockholder, to declare the charter of such corporation forfeited, and to take such proceedings as may be deemed necessary to close its affairs, as authorized in the nineteenth and twentieth sections of this act.

Approved March 10, 1854.

CHAPTER 1013.

AN ACT to amend the license law.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act to amend an act to regulate the retailing of ardent spirits, approved December 13, 1851, be and the same is hereby repealed.

§ 2. That wherever the municipal authorities of a city or town, before the Revised Statutes went into effect, had the authority of licensing the retailing of spirituous liquors, to be drank on the premises, they shall retain such power, and it shall not be deemed to be repealed by the Revised Statutes; but such licenses shall give no right to retail until the tax to the state shall have been duly paid, and bond given and oath taken, as provided by the general laws.

1854.

Circuit courts may appoint receiver.

Receiver to distribute effects.

If judgment remains unpaid for one year, charter may be declared forfeited.

Rev. Stat. 635, title Taverns, Tippling Houses, &c.

Cities and towns to retain the power to license the retailing of spirituous liquors.

Rev. Stat. 654.

But the license has no effect until state tax is paid, bond given, and oath taken.

1854.

Penalty of \$10
for retailing
without license.

§ 3. That any person who shall sell spirituous liquor in quantities less than half a gallon, unless he be a distiller or licensed so to do, shall be fined ten dollars for each offense.

Approved March 10, 1854.

CHAPTER 1016.

AN ACT to allow a premium for killing red foxes.

Premium for
killing red fox-
es.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That every person who shall kill a red fox within this state shall be paid out of the public treasury one dollar for each; for the proof and payment of which, and for the destruction of the scalp, the like proceedings shall be taken as are provided in the case of premiums for wolves and wild cats.

Approved March 10, 1854.

CHAPTER 1020.

AN ACT to prohibit the carrying of concealed deadly weapons.

Deadly weap-
ons. penalty for
carrying con-
cealed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That if any person shall hereafter carry concealed any deadly weapons, other than an ordinary pocket knife, except as provided in the next section, he shall be fined on the first conviction not less than fifty nor more than one hundred dollars, and on any subsequent conviction not less than one hundred nor more than five hundred dollars.

In what cases
legal.

§ 2. That the carrying of concealed deadly weapons shall be legal in the following cases: 1. Where the person has reasonable grounds to believe his person, or the person of some of his family, or his property, is in danger from violence or crime. 2. Where sheriffs, constables, marshals, and policeman carry such weapons as are necessary to their protection in the efficient discharge of their duty. 3. Where persons are required by their business or occupation to travel during the night, the carrying concealed deadly weapons during such travel.

§ 3. This act shall be given in charge by the judges to the grand juries.

Approved March 10, 1854.

RESOLUTIONS.

No. 1.

RESOLUTION in relation to firing salutes on the 7th of January, and on the 22d of February next.

1854.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the governor be requested to order a salute of thirty one guns to be fired on the 7th day of January next, in honor of the victory achieved by the American army under Major General Andrew Jackson, against the British under General Pakenham, on the 8th day of January, 1815; also, the same number of guns to be fired on the 22d day of February next, in honor of the birth day of General Washington, and of the victory gained by the American forces under General Taylor, at Buena Vista, in which the Kentucky troops bore a conspicuous and efficient part, and won for themselves and their country unfading laurels.

Approved January 7, 1854.

No. 2.

RESOLUTION for the appointment of a committee to welcome Governor Wright, of Indiana, to the capital of Kentucky.

WHEREAS, his excellency Governor Powell has invited the Hon. Joseph A. Wright, Governor of the state of Indiana, to visit him at the capital of Kentucky, which invitation has been accepted by his excellency Governor Wright, and the 22d day of February, 1854, designated as the day on which Governor Wright will visit the capital of this commonwealth. Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee consisting of four members, two from the senate and two from the house of representatives, be appointed by the speakers of the respective houses, to act in conjunction with such committee as his excellency Governor Powell may appoint, to proceed to Louisville and receive his excellency Governor Wright, welcome him to the state, and attend him to the capital of Kentucky.

Approved February 11, 1854.

1854.

No. 3.

RESOLUTION providing for the interment of the remains of Bland Ballard in the Cemetery at Frankfort.

WHEREAS, Major Bland Ballard, of the county of Shelby, recently departed this life, after a life devoted to the service of his country, both in the field and in the council, having been one of the brave and hardy pioneers who quelled the savage and subdued the wilderness, whereby his memory is dear to the people of Kentucky, and his history associated with that of many of Kentucky's distinguished departed sons, whose remains have found a fitting resting place in the state cemetery, and it is right that he should rest in death in the company of those who were his associates in life. Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of two on the part of the senate, and three on the part of the house, be appointed to correspond with the family of the deceased, and should the same meet with their approval, make suitable arrangements for the removal of the body to, and its interment in the state cemetery at Frankfort.

Approved February 11, 1854.

No. 4.

RESOLUTION in relation to Henry E. Read, of Larue county.

WHEREAS, Henry E. Read, of Larue county, late ensign in the regiment of voltigeurs, under the command of Col. T. P. Andrews, during the war with Mexico, performed gallant services for his country, having been engaged in every battle that was fought in the valley of Mexico—in all of which he conducted himself as a soldier and a Kentuckian, bearing aloft the flag of his country, until he fell covered with wounds under the walls of Chapultepec. Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the governor of this state be authorized to procure and present to Henry E. Read, in the name of the commonwealth of Kentucky, a sword, as a token of the admiration and gratitude of this general assembly for his gallantry and patriotism manifested in said war.

Approved February 18, 1854.

No. 5.

A RESOLUTION in relation to the Medal of Henry Clay.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the medal presented to this state through our present chief magistrate, L. W. Powell, designed to

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"commemorate the public services of Henry Clay, and to transmit to distant posterity a perfect resemblance of his features," be and the same is directed to be placed in the office of the secretary of state, in pursuance of the recommendation of his excellency.

Approved February 25, 1854.

No. 6.

RESOLUTION authorizing the Governor to erect a Monument over the remains of Drury W. Poor.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the governor be and he is hereby requested to procure a suitable monument, to be erected over the remains of Drury W. Poor, late a member of the general assembly, similar to the one over the remains of John F. Todd, and that the cost of the same be paid out of any money in the treasury not otherwise appropriated, upon his order.

Approved March 7, 1854.

No. 7.

PREAMBLE and resolution in relation to the Flag of the second Kentucky Regiment presented to the State.

WHEREAS, the flag of the second Kentucky regiment, beneath which McKee, Clay, and many others of our brave volunteers, fell at the battle of Buena Vista, was brought home by the color company of the regiment, and presented to the state, torn with balls and grape shot, and blackened by the smoke of that battle, and now constitutes one of the proudest and saddest memorials of the valor of our citizens; and whereas, a just regard to the memory of the men who fought under, and to the patriotic soldiers who placed it as a star of glory in our capitol, requires that it should be completely preserved from mutilation and decay. Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the librarian be directed to cause a suitable metallic case to be made for it, and that it be made his duty to see that no one be permitted to tear from it a single shred; and that he is expressly directed never to suffer it to be taken from his custody unless by the special order of the governor, for the time being.

Approved March 10, 1854.

1854.

No. 8.

RESOLUTION in relation to the School Fund of the county of McLean.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the county of McLean be entitled to her proportion of the surplus school fund, if any, of the counties of Daviess, Ohio, and Muhlenburg, in proportion to the number of children stricken off from each county to the county of McLean.

Approved March 10, 1854.

No. 9.

RESOLUTION in relation to a settlement with the present Keeper of the Penitentiary.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the commissioners of the sinking fund, be and they are hereby authorized, in their final settlement with the present keeper of the penitentiary, to contract with said keeper for the purchase of the residences of said keeper and his assistant keeper, for the use of the penitentiary, and that the said commissioners, to be appointed by the commissioners of the sinking fund, to value the stock, manufactured articles, &c., on hand, be directed to fix a fair value on said residences; and when the said keeper shall convey to the commissioners, by general warranty, a good and clear title to said property, then the said commissioners of the sinking fund may allow, on their settlement with the present keeper, the price allowed by said commissioners—payable by assigning to the keeper of the penitentiary articles of personal property belonging to the penitentiary equal in value to the real estate aforesaid, according to the valuation that may be fixed on both the real and personal property by said commissioners.

Approved March 10, 1854.

NO. 10.

RESOLUTION in relation to removing the remains of Major Bland Ballard and wife, and their interment in the Frankfort cemetery.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the governor of this commonwealth be and he is hereby requested and directed to have the remains of Maj. Bland Ballard, deceased, and the remains of his deceased wife, Elizabeth, removed from the county of Shelby and suitably and appropriately deposited and interred in the Frankfort cemetery, as a token of the high estimation in which the state of Kentucky holds the memory of the many valuable and distinguished services rendered by the distinguished deceased in the defense of his country, as a

RESOLUTIONS.

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soldier and officer, and for his civil services in the councils of the state of Kentucky, and for her patient endurance of the hardships and toils of pioneer life.

1854.

Approved March 10, 1854.

NO. 11.

RESOLUTION providing for removing the remains of William T. Barry to the Frankfort cemetery.

WHEREAS, Kentucky feels an honorable pride in cherishing the memory of her illustrious dead, and in preserving from desecration their mortal remains; and whereas, William T. Barry, one of her most distinguished sons, departed this life in England, while on his way as minister of the United States to the court of Spain, and his body lies interred in a neglected and foreign grave. Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That his excellency the governor be and he is hereby authorized and requested to take immediate steps to have restored to his native state the remains of William T. Barry, and that he cause them to be buried in the public cemetery at Frankfort; and he is hereby authorized to make his requisition upon the auditor, who shall draw his warrant on the treasury for whatever sum may be necessary for said purpose.

Approved March 10, 1854.

NO. 12.

RESOLUTION in relation to conferring the rank of Lieutenant General upon General Winfield Scott.

Resolved by the General Assembly of the Commonwealth of Kentucky, That in their opinion the measure now before congress, creating the higher rank of Brevet Lieutenant General in the army of the United States, ought to be adopted, and that said rank ought to be conferred on Maj. Gen. Winfield Scott, as a slight reward for his illustrious military services, which have contributed so much to preserve his country, to extend its dominion, and to spread throughout the world its fame in arms.

Approved March 10, 1854.

NO. 13.

RESOLUTION in relation to an appropriation of a part of the public domain to the state for educational purposes.

Resolved by the General Assembly of the Commonwealth of Kentucky, That our senators in congress be instructed, and

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our representatives requested, to use their influence to procure the passage of a law appropriating to the state of Kentucky a portion of the public lands for educational purposes.

That copies of the foregoing resolution be forwarded by the governor to each of our senators and representatives in congress, with a request that they lay the same before each branch of the national legislature.

Approved March 10, 1854.

NO. 14.

Resolution for removing the remains of Gov. Charles Scott to the Frankfort cemetery, and the erection of a monument to his memory.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the sum of three hundred dollars be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of removing the remains of Gov. Charles Scott, of revolutionary memory, from the county of Clarke to the Frankfort cemetery, and erecting a suitable monument over his remains; and that the governor be and he is hereby authorized and directed to carry out the provisions of this resolution.

Approved March 10, 1854.

No. 15.

Resolutions of condolence upon the death of John C. Calhoun and Daniel Webster.

1. *Resolved by the General Assembly of the Commonwealth of Kentucky,* That the sad and melancholy intelligence of the death of the illustrious statesmen and patriots, John C. Calhoun and Daniel Webster, was received by the people of Kentucky with the most profound sorrow. Their long and brilliant services in the national councils, and their able and distinguished efforts in behalf of the interests of the confederacy, are cherished by the citizens of this commonwealth with the deepest gratitude.

2. That we desire to extend to the states of South Carolina and Massachusetts our sincere condolence in the loss which they and the nation sustained in the death of their most eminent sons.

3. That his excellency the governor be requested to transmit a copy of the foregoing resolutions to the executives of South Carolina and Massachusetts.

Approved March 10, 1854.

No. 16.

1854.

RESOLUTION in relation to the grant of lands to children of soldiers who are adults.

Resolved by the General Assembly of the Commonwealth of Kentucky, That our senators and representatives in congress be and they are hereby requested to use their influence to so amend the act of congress, approved the 28th September, 1850, granting lands to certain officers and soldiers, or their widows or minor children, that in case there be no widow or minor children, that the provisions of said act shall embrace the adult children.

Resolved, That the governor do transmit copies of the foregoing resolution to each of our senators and representatives in Congress.

Approved March 10, 1854.

No. 17.

RESOLUTION concerning the publication of the laws of a general nature passed at the present session.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the acts passed at the present session amending, changing, or repealing the Revised Statutes, and all acts of a general nature, except the code of practice in civil and criminal proceedings, be printed in one volume, under the superintendence and direction of the attorney general, whose duty it shall be to prepare a full and accurate index of the matters contained in the volume, including the alterations, changes, and amendments of the Revised Statutes. He shall also make the proper side-notes, referring to the title, chapter, and page of the Revised Statutes altered, changed, amended, or repealed. He shall receive for his services such compensation as the governor may deem reasonable, not exceeding, however, the amount allowed by law to the clerk of either house for making an index to his journal.

Approved March 10, 1854.

No. 18.

RESOLUTION directing the Public Printer to print all the laws in force in relation to Common Schools in pamphlet form.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the public printer be and he is hereby directed to print all laws now in force in relation to common schools in pamphlet form, under the supervision of the superintendent of public instruction; and that said superintendent forward to the common school commissioners a number of said pamphlets equal to the number of school districts in each county.

Approved March 10, 1854.

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LOCAL AND PRIVATE ACTS
OF
THE STATE OF KENTUCKY,

*Passed at the session which was begun and held in the City of
Frankfort, on Saturday the 31st of December, 1853,
and ended Friday the 10th of March, 1854.*

LAZARUS W. POWELL, GOVERNOR; HENRY G. BIBB, SPEAKER OF
THE SENATE; CHARLES G. WINTERSMITH, SPEAKER OF THE
HOUSE OF REPRESENTATIVES; JAMES P. METCALFE, SECRETARY OF STATE.

CHAPTER 1.

AN ACT for the benefit of the devisees of Ben. Hardin.

1854.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That jurisdiction is hereby conferred upon the county court of Nelson county to order and direct a division, in kind, of the slaves belonging to the devisees of Ben. Hardin, pursuant to the provisions of the will of said Hardin.

§ 2. The division hereby authorized shall be ordered upon the filing in said court the petition of infant devisees, by their statutory guardians, and the adult heirs, making as defendants the executors of said Hardin, such of the adult heirs as may fail or refuse to join in the petition, and such infant devisees as may not have statutory guardians; such of the defendants as may reside in the state shall be served with process unless their appearance be entered by themselves, attorneys at law, or infant non-residents may be brought before the court by indorsing on the petition, when filed, a warning order; and if ten days intervened between the filing of the petition the court may proceed, by the consent of the executors, to order a division.

1854.

§ 3. The court shall, by its order, proceed to appoint two or more competent men as commissioners, who, after being sworn, shall proceed by affixing a fair value upon each slave, and then class them together in such lots as will make six shares as near equal as practical. If there shall be any of the slaves who, from age or infirmity, constitute a charge upon the devisees, a fair compensation, in the value of lots, may be allowed to such devisee as may have to take charge of such slave or slaves; and any disparity in the value of the lots may be made equal by the awarding of payment in money.

§ 4. The commissioners may proceed immediately upon the making up of such order, and with a view to the return of their report the court may adjourn from day to day; they shall make a list of the slaves, stating the names, ages, and value of each slave, and to whom allotted—which report, when made, if in the judgment of the court it is just and equal, shall be confirmed, and the payment of any cash balances directed, which shall be recorded by the county court clerk, and the title pass to each devisee in their several lots, according to the terms and manner of holding under the will. A copy from the record of the reported division shall be evidence of right in any future controversy that may arise involving the title to said slaves.

§ 5. The court may order the payment of costs of the proceeding, to be paid by the executors out of the funds of the estate, for which a credit shall be allowed them on settlement.

CHAS. G. WINTERSMITH,
Speaker of the House of Representatives.
HENRY G. BIBB,
Speaker of the Senate.

Approved January 12, 1854.

L. W. POWELL.

By the Governor:

JAMES P. METCALFE, *Secretary of State.*

CHAPTER 2.

AN ACT to amend an act, entitled, an act to authorize the county of Hickman to take and hold stock in the Ohio and Mobile Railroad Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, an act to authorize the county of Hickman to take and hold stock in the Ohio and Mobile Railroad Company, approved Jan. 9, 1852, be so amended as to require the auditor of public accounts to furnish to the clerk of the Hickman county court, on or before the 15th day of April, 1854, a list of all the non-resident lands lying in said county, or lands lying in said county listed by non-residents of said county, or their agents,

Auditor to furnish list of certain lands.

together with the names of the owners of said lands, and such other description of said lands, as to locality and boundary, as he may be able to furnish.

§ 2. That the clerk of said county court, so soon as said list is received from the auditor as aforesaid, shall furnish a correct copy thereof to the tax commissioner of said county, who shall immediately proceed, after having been sworn before some justice of the peace or county judge of said county, to fix a fair valuation upon said lands, and enter and return the same upon his book.

§ 3. That the sheriff of said county, or collector of said railroad tax, shall collect from the owners or agents of said lands the amount, *ad valorem*, authorized to be levied by the act to which this an amendment; and upon the failure of the owners or their agents to pay the amount of tax thus levied pursuant to the provisions of said act, the sheriff or collector of said tax shall levy upon and sell the same, after having advertised the time and place of sale, in some newspaper, at least thirty days, by weekly insertions.

§ 4. That the owner or owners of said lands which may be sold under the provisions of the third section of this act, may at any time within three years after said sale, redeem the same by paying to the purchaser the purchase money and ten per cent. per annum thereon, and the whole costs of said proceedings: *Provided however*, that the sheriff or collector of said tax shall not sell more land out of any tract or parcel levied on as aforesaid, than may be necessary to raise the amount of tax and costs; and the said sheriff or collector shall designate what part or from what side said sale is to be made.

§ 5. That the sheriff or collector making said sale shall give to the purchaser a certificate of purchase, and at the expiration of said three years, if said land is not redeemed, as herein provided, the said sheriff, or his successor in office, shall execute and acknowledge a deed to the purchaser, which deed, when so executed and acknowledged before the clerk of the Hickman county court, shall vest the title in said purchaser in as full and complete a manner as the same was in the owner or holder of said land before said sale was made: *Provided further*, that infants and femes covert shall have three years after the removal of their respective disabilities to redeem land sold under the provisions of this act.

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Said lands to be valued.

Taxed for railroad purposes.

Lands sold for said tax may be redeemed.

Conveyances to be made if not redeemed in 3 years.

When infants and femes covert may redeem.

Approved January 14, 1854.

1854.

CHAPTER 3.

AN ACT to incorporate Mountain lodge No. 187 of free and accepted masons, in the town of Barbourville.

Corporate name
and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the members of Mountain lodge No. 187, in Barbourville, Knox county, of free and accepted masons, be and they are hereby created a body politic and corporate, by the name and style of Mountain lodge No. 187, with perpetual succession; and by that name and style shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of the lodge; to receive all necessary conveyances, to sell, dispose of and convey all such real or personal estate as they now have, or may hereafter acquire: *Provided*, the amount vested in real estate shall at no one time exceed ten thousand dollars.

Trustees ap-
pointed.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to John Dishman, T. L. W. Sawyers, Thomas J. Baughman, James M. Dishman, and H. L. Tye, and their successors in office, as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the real and personal estate of said lodge; and service of process or notice on any of said trustees shall be sufficient notice to said corporation.

Term of office.

Powers of trust-
ees.

§ 3. That the trustees named in the second section of this act, shall hold their offices until the twenty-fourth day of June, 1854, when the members of said lodge shall elect five trustees, and shall continue to hold their elections for the election of trustees on the twenty-fourth day of June in each succeeding year: *Provided*, said board of trustees shall have power to fill vacancies in their body, and pass such by-laws and regulations, not inconsistent with the constitution and laws of the United States and of this state, as may be necessary to the safe keeping of the property and other interests of the lodge, and may have and use a common seal, and change the same at pleasure; and in conveying real estate, it shall be necessary for all the trustees to join in such conveyance.

§ 4. The general assembly hereby reserves the right to repeal or change this act at pleasure.

Approved January 14, 1854.

CHAPTER 4.

1854.

AN ACT to establish an additional Justices' District in Breckinridge county, and another in Marion county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an additional justices' district be and the same is hereby established in the county of Breckinridge, bounded as follows: Beginning at Tate's mill; thence with the Litchfield road to William Smith's, Jr.; thence to Edward W. Turpin's; thence to Henry G. Pile's; thence to Henry Grier's; thence to Robert Board's; thence to John Dent's; thence to Abraham Gross', to include him; thence to Thomas McCoy's; thence with the Clifton mills district line to Mrs. Garret's brick house; thence with the road to Hopkins Wales'; thence to William M. Mereman's; thence to the beginning; the place of voting to be at William W. Haynes'.

New district formed.

§ 2. That the Livers spring election district, of Marion county, be so changed as to run a line from the Lebanon election district line at Bean's mill, on Hardin creek; thence down said creek to Barton Mattingby's, to include the same; thence a straight line to the house of Perry Dickens, to include the same; thence a straight line to the house of Edward D. Cambron, including said Cambron, Joseph Newton, and all the qualified voters within said boundary.

Livers spring district changed.

Approved January 14, 1854.

CHAPTER 5.

AN ACT to divide the Browney's creek election district, in Harlan county

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Browney's creek election district, in Harlan county, be divided as follows, viz: Beginning at Butcher's gap; thence to the divide of Cabbage, at the head of Yellow creek; thence with the dividing ridge between Hause's creek and Browney's creek, so as to include Frederick Miracle; thence to the Flat Shoals; thence to Lock's Gap.

Browney's creek district divided.

§ 2. That the territory included in the above boundary shall constitute election district No. 11, in Harlan county, and that the residue of the territory included within the bounds of Browney's creek district, as established before the passage of this act, shall constitute election district No. 10 in said county; that all elections in said districts shall be held, in district No. 11, at the mouth of Cabbage, and in district No. 10 at or near the mouth of Yellow creek.

Districts Nos. 10 and 11 formed.

Approved January 14, 1854.

1854.

CHAPTER 8.

AN ACT to authorize the County Court of Gallatin to purchase the stock of the Warsaw turnpike road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Gallatin be and they are hereby authorized and empowered to purchase the stock of the Warsaw turnpike road, and to possess, enjoy, and exercise all the rights, privileges, powers, and immunities that the Warsaw turnpike road company, under its charter, might possess, enjoy, and exercise: *Provided,* that nothing in this act be construed so as to authorize the said county court to levy any additional taxation upon the citizens of Gallatin county, or appropriate any of the regular returns of said county for said purposes.

Approved January 14, 1854

CHAPTER 9.

AN ACT for the benefit of A. G. Waggener, Sheriff of Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of one year be and is hereby given to Albert G. Waggener, sheriff of Cumberland county, to make out and return his list of delinquents of revenue and county levy for the years 1852 and 1853, and also his delinquent list of muster fines for the same years; and when said lists are returned they are to have the same force and effect as if they had been returned by the time now required by law.

Approved January 14, 1854.

CHAPTER 10.

AN ACT repealing an act, entitled, an act for the benefit of the Fleming County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act of the last general assembly, entitled, an act for the benefit of the Fleming county court, be and the same is hereby repealed.

Approved January 14, 1854.

CHAPTER 11.

AN ACT for the benefit of William S. Parker.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William S. Parker, late sheriff of Lewis county, have the further time of two years to col-

lect the taxes, fee bills, and muster fines in his hands uncollected, in the same manner prescribed by law for the collection of taxes, fee bills, &c.

1854.

Approved January 14, 1854.

CHAPTER 12.

AN ACT for the benefit of James W. Cruce.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for James W. Cruce, of Crittenden county, to change that part of the state road leading from Princeton, Caldwell county, to the Ohio river, that passes through said Cruce's farm, so as to straighten said road: *Provided,* that in doing so said Cruce places said road on as good ground, and in as good order, as the present road now is.

Approved January 14, 1854.

CHAPTER 14.

AN ACT amending the charter of the town of Richmond.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That power is hereby given to the trustees of the town of Richmond to fill by appointment, the office of marshal of said town, whenever a vacancy shall occur in said office by death, resignation or otherwise, until the next stated election of said officer thereafter occurring.

Approved January 14, 1854.

CHAPTER 15.

AN ACT to authorize the County Court of Hardin to change the boundaries of Election Districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Hardin county is authorized to change the boundary lines of any election district in said county, upon the petition of a majority of the voters who may be affected by such change: *Provided,* such change shall not be made within sixty days before an election.

Approved January 14, 1854.

CHAPTER 16.

AN ACT concerning the corporation of the town of Lancaster.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the third section of an act approved

1854.

Part of former
act repealed.

22d February, 1851, to amend the act incorporating the town of Lancaster, is hereby repealed, so far as it provides for the time of electing the police judge of the town of Lancaster, and the term of office.

Police judge
to be elected.

§ 2. The police judge of said town shall hereafter be elected by the qualified voters residing therein, at the same time the county judge for Garrard county is elected, and shall hold his office for the same length of time, and a vacancy in the office shall be filled in the same manner as that of county judge—except the voters of the town only shall vote, and no writ of election shall issue, and only ten days notice be required by the clerk of the board of trustees. When the county court would have the right to fill the vacancy of county judge, the trustees of the town shall appoint a police judge.

Marshal to be
elected.

§ 3. The citizens of said town entitled to vote for trustees thereof, shall, on the first Monday in February next, elect a citizen thereof marshal, who shall continue in office until the next election to be held for the election of a sheriff of Garrard county; the marshal, after the first election under this act, shall be elected at the same time the sheriff of Garrard county is elected, and shall hold his office for the same length of time; a vacancy in the office of marshal shall be filled by the trustees until the next succeeding August election.

Marshal to
execute bond.

§ 4. The marshal, before he enters on the duties of his office, shall present the certificate of the clerk of the board of trustees of his election, before the Garrard county court, and shall be sworn by the clerk of said court, as required by the constitution, faithfully to discharge his duty, and shall enter into bond with one or more sufficient sureties, to be approved by the court, payable to the commonwealth of Kentucky. The clerk of said court shall note on the records of said court his acts under this law, and shall keep and preserve all bonds of marshals in the same manner as sheriffs. The trustees of the town of Lancaster, or any person to whom the marshal may officially own money, may sue on the bond so executed, and recover the same from the marshal, his sureties, or either of them.

Who to hold
said elections.

§ 5. The elections to be held as provided under this act and the law regulating the election of trustees of towns, shall be held by the clerk of the board of trustees for said town, at some convenient place therein. The clerk appointed by the board of trustees shall be sworn, as required by the constitution, faithfully to discharge his duty; he shall have power to swear any person as to his right to vote, and decide on the same. Any person swearing falsely before said clerk shall, on conviction thereof, be imprisoned one year in the penitentiary of this commonwealth.

§ 6. That all warrants or precepts that may be issued for a breach of the by-laws or ordinances of said town,

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shall be in the name of the commonwealth of Kentucky, for the use and benefit of the trustees of the town of Lancaster.

§ 7. The marshal shall have the right to execute any precept issued by the police judge of the town of Lancaster, in any part of Garrard county.

Powers of the marshal.

§ 8. The justice of the peace residing in or nearest the town of Lancaster, shall be vested with the power given the police judge of said town under this act and the acts to which this is an amendment, in the absence or sickness of said judge, or in the event of a vacancy in the office, and shall be vested with the same power when the judge is related to either of the parties, or in the discretion of the judge he ought not to adjudicate. The jurisdiction shall be exercised by said justice until the first election of judge as provided under this act. Should the justice in or nearest the town of Lancaster be related to either of the parties, or for good cause refuse to act, the next nearest justice to whom there is no objection shall try the same.

Absence of police judge provided for.

§ 9. The police judge or justice of the peace may direct all precepts issued by them as provided under this act and the acts to which this is an amendment, at discretion to the marshal of the town of Lancaster, the sheriff or jailer of Garrard county, or any constable of said county; in the event a defendant leaves the county the same may be directed to and executed by the sheriff of the county in which such person may be found: *Provided*, that no process of a civil nature be directed to the marshal, except such as the trustees are interested in.

To whom process to be directed.

§ 10. The police judge, or justice before whom any person is arraigned for a breach of the by-laws of the town of Lancaster, shall order a jury to be summoned at the request of either party, or he may at his pleasure order a jury of twelve sober, discreet housekeepers to try the same under his direction; either party may have the right to an appeal to the circuit court, except in case of riots, routs, and breaches of the peace.

Powers of police judge.

§ 11. The fees of the police judge of said town shall be as follows; in cases not mentioned in this act the same fees as are allowed justices of the peace for like services: For issuing a warrant for a riot, rout, or breach of

His fees.

the peace, - - - - -	\$ 50
For presiding at the trial, and entering and recording judgment, - - - - -	1 00
For each warrant for a breach of town ordinances or by-laws of said town, - - - - -	50
For presiding at the trial, and entering judgment, -	1 00
For issuing capias pro fine, - - - - -	20

The fees of the marshal shall be as follows:

For executing a warrant for riot, rout, or breach of the peace, - - - - -	1 00
For taking bond of defendant, - - - - -	25

1854.

For summoning a jury and attending the court during the trial, - - - - - \$1 50
 For executing a warrant for a breach of the town ordinances or by-laws, - - - - - 50
 For summoning jury, when one is required, - - - 1 50
 In all cases where fees are not specified they shall be the same as allowed to constables for similar services.

Approved January 14, 1854.

CHAPTER 17.

AN ACT for the benefit of school district No. 11, in Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the superintendent of public instruction be and he is hereby directed to receive from the commissioner of common schools for Ballard county a report of the number of children taught in district No. 11, in the year 1851, and when said report is received by him, he shall include the same in his report, and draw his warrant accordingly, and the amount said district would have received if the report of the trustees had been received in time, shall nevertheless be now paid to the trustees of said district.

Approved January 14, 1854.

CHAPTER 19.

AN ACT for the benefit of the mechanics and laborers in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That on all contracts for labor to be performed, in the city of Louisville, by the day, week, month, or year, ten hours shall be considered a day, in the computation of the time occupied at labor, by any party to the contract; and the party performing labor as aforesaid, shall be entitled to receive the compensation agreed upon for labor, at the rate of one day for every ten hours of labor, unless a special contract for a greater or less number of hours for a day be agreed upon by the parties.

Approved January 14, 1854.

CHAPTER 20.

AN ACT to change certain precincts in Nelson county.

County court
may change two
districts.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the judge of the Nelson county court, at or before the next April term of said court, to appoint three commissioners to correct

or remodel the lines of the two voting places in Bardstown, in said county, and make return of their acting therein as provided by the law directing the districting of counties.

§ 2. That said court may appoint commissioners to alter or remodel the districts on the south side of the Beech fork, in said county.

And alter others.

Approved January 14, 1854.

CHAPTER 21.

AN ACT for the benefit of J. M. Todd, sheriff of Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James M. Todd, sheriff of Lewis county, be and he is hereby released from all damages upon a judgment standing against him, for failing to pay over the revenue of 1852, and that the auditor of public accounts grant him a full acquittance for the same, he having already paid the full amount of revenue, interest and costs.

Approved January 14, 1854.

CHAPTER 22.

AN ACT to incorporate the Smithland Section Dock Company.

WHEREAS, it has been represented to the general assembly that a company has been formed in the town of Smithland, in Livingston county, and have purchased section docks, and contemplate adding other sections thereto, and that said company have said docks now in use. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said company be and they are hereby incorporated under the style and firm of "the Smithland Section Dock Company," with a capital of eighteen thousand dollars, divided into shares of fifty dollars each, but said capital may be increased to fifty thousand dollars, should said company deem it necessary for the proper carrying on the business of said company. They shall have power and authority to purchase and hold all such real estate as may be needed for the convenient use of said docks, and all such materials as may be needed in the construction of new docks, and the repairs of old ones, and to contract and be contracted with, sue and be sued, and to perform all and singular the acts and things that individual proprietors of docks might lawfully do in the management and disposition of the property; and they may make and use a common seal, and change, alter or renew the same, or they may use a common scroll as it may suit them, and make by-laws to meet all the require-

Corporate name and capital.

Powers granted.

1854.

Number of directors.

Their powers and duties.

Election for directors, when held.

Dividends to be declared.

ments of their business, not inconsistent with the constitution of this state, or of the United States.

§ 2. That the management of the affairs of said company, and its prudential concerns, shall be by a president and four directors, as follows: the stockholders shall elect, *viva voce*, five suitable persons as directors, and immediately after the election, or as soon as practicable, the directors shall meet and chose one of their own body president, three of whom shall be sufficient to form a quorum to do business. They shall cause a record to be kept of their proceedings, and in all elections for directors of said company each share shall be entitled to one vote; and should said company deem it advisable to sell an additional amount of stock beyond that already sold, they may cause books to be opened in such place, or places, as they may think proper, either in or out of this state, and they may determine whether such subscriptions to said stock shall be paid in full on subscribing, or by installments.

§ 3. That as soon after the passage of this act as it may be convenient, the present board of managers, though their chairman, shall give notice of the time and place of the election of directors, who shall be elected for one year from their election, and to continue in office until their successors are duly elected. Thomas M. Davis, D. B. Sanders, H. F. Given, Joseph Watts, S. M. Barner, W. P. Fowler, P. H. Conaut, and William Gordon, the present board of managers, or any three of them, may hold the election for directors, and notify them of their election, when the company shall be considered as organized under this charter. It shall be the duty of the president and directors to declare a dividend of the profits annually, or semi-annually, and pay over such dividends to stockholders on demand, after thirty days have elapsed from the day such dividend shall have been declared. The books of said company shall be held open to the inspection of any stockholder who may desire to inspect them.

Approved January 14, 1854.

CHAPTER 23.

AN ACT to incorporate the Covington Gas Light Company.

Corporators' names.

Corporate name and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Southgate, Robert Simmons, John W. Finnell, John W. Menzies, Alexander Jeffrey, Francis Smith, and T. G. Gaylord, their associates, successors, and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Covington Gas Light Company, and shall so continue for the term of fifty years from the first day of January, 1854; and by that name and style shall be as caps-

1854.

ble to contract and be contracted with, sue and be sued, plead, answer, and defend, in all courts and elsewhere, as natural persons; and may have and use a common seal, and change, alter, and renew the same at pleasure; and may ordain and put in execution such by-laws, rules, and regulations for the good government of said company, and for the efficient management of its affairs and prudential concerns, as may be deemed expedient, not contrary to the constitution of this state or of the United States.

§ 2. That the business and operations of said company shall consist in furnishing the corporate authorities and citizens, &c. of the city of Covington with gas light, in pursuance of and according to the terms of an ordinance passed by the city council of Covington, October 28, 1852, entitled, "an ordinance to provide for lighting with gas the city of Covington, Ky.;" and for that purpose the capital stock of said company shall be one hundred thousand dollars, in shares of fifty dollars each, with liberty to increase the same from time to time, as the necessities of the company, in the extension of its works, may require. The said shares of stock shall be considered and held as personal estate, and shall be transferable on the books of the company in such manner as the president and directors shall, by their by-laws, prescribe. The said company may purchase and hold as much land as may be required for its offices, and the residences of its officers, agents, and laborers, and for sites for its gas works, and for suitable engine and other houses for its works, and may sell or exchange the same and purchase again for said purposes; and may hold such personal estate, pipes, machinery, &c. as will be necessary and convenient for the operations and business of the company.

Objects of the company and privileges.

§ 3. The shares in the capital stock of said company shall be fifty dollars each, for which a certificate or certificates shall be issued, to be signed by the president and secretary of said company, with the seal of the corporation attached thereto; and at all meetings of the shareholders each share shall be entitled to one vote. There shall be annually elected by the shareholders five directors, who shall choose out of their number a president, and appoint such other officers as they, by their by-laws, may designate and require.

Value of shares.

§ 4. The corporators above specially named, or any three of them, shall by advertisement for one week in one of the newspapers published in the city of Covington, call a meeting and superintend the same, of all persons interested in the business and property of the Covington gas works, who shall, by themselves or their proxies, elect five directors, owners of at least two shares each in said business and property, each person interested to be entitled to one vote for each fifty dollars worth of interest as aforesaid; said directors to serve one year, or until their suc-

Election of directors.

1854.

cessors shall be chosen; and annually thereafter, during the existence of this charter, on such day and at such place in Covington as the by-laws of said corporation may designate, an election shall be held for the choice of five directors as aforesaid, of which notice shall be given at least two weeks in two of the newspapers published in Covington. To the said president and directors, so chosen, shall be entrusted the care and management of the real and personal estate, business, property, funds, and financial concerns of said company. The said president and directors shall have power to fill all vacancies occurring in their body by death, resignation, or otherwise, and they shall also have the power to borrow money at any time to extend their works.

Injuries to the
works, how pun-
ished.

§ 5. That if any person or persons shall willfully, by any means whatever, injure or destroy any portion of the gas pipes or fixtures, lamps, lamp-posts, burners, or any part of the works or machinery of said company, or shall willfully open a communication into the street or other gas pipes, or let on gas after it has been stopped by the company, such person or persons shall be liable to the company for all damages occasioned by such act or acts, and shall furthermore be subject to indictment as for a misdemeanor, and upon conviction thereof, shall be fined in any sum, at the discretion of the jury, not exceeding one thousand dollars, or be imprisoned in the city work house for a period not exceeding three years; but this section shall not be held to change the law as to arson, or willfully burning the houses of the company.

Further privi-
leges.

§ 6. The said company shall have power to extend their pipes outside of said city of Covington, in any direction, and supply other adjacent cities or towns with gas, on such terms as said company and the corporate authorities of said cities or towns may hereafter arrange and agree by and between themselves respectively.

§ 7. That said company shall not have the right to exercise any banking privileges whatever.

Approved January 14, 1854.

CHAPTER 24.

AN ACT authorizing the County Judge of Adair county to appropriate money out of the road fund to build a bridge over Russell's Creek.

Names of com-
missioners.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel H. Murrell, Junius Caldwell, Thomas E. Bramlette, Eli Wheat, and Thomas R. Dehoney, be and they are hereby appointed commissioners, and they or any one of them are hereby authorized to receive subscriptions, payable to themselves as commissioners under this act, for the construction of a bridge over

Russell's creek, in Adair county, within one mile of the court house in Columbia; and they, or any three of them, are hereby vested with full power and authority to have said bridge constructed, and to that end may do and perform every act, and make every contract necessary to complete the work thereof, and are fully vested with power to enforce all legal and equitable remedies necessary to secure the completion thereof.

1854.
Their powers.

§ 2. That whenever the sum of twelve hundred and fifty dollars shall have been subscribed to the commissioners aforesaid, in good and solvent subscriptions, then the county judge of Adair county shall be required to subscribe towards the construction of said bridge, on behalf of said county, the amount, not exceeding twelve hundred and fifty dollars, which may then be in the hands of the county treasurer and county judge of Adair county, arising out of the sales of the vacant lands of said county, and cause the same to be paid over to said commissioners for the purposes aforesaid.

County judge may subscribe to said bridge.

§ 3. That when said bridge shall be completed it shall be a free bridge, and shall thereafter be subject to the management and control of the Adair county court.

Manage it.

§ 4. That should a turnpike road be hereafter constructed from Columbia to any other point, and it be deemed politic and proper to do so, the county court aforesaid may contract with the company constructing the same for the conveyance of said bridge to said company, on such terms as the said court and company may agree upon, and thereby constitute the county court of said county, and the private subscribers for stock in said bridge, stockholders in said turnpike road company ratably to the amount so agreed upon as the value of said bridge.

And convey the same on certain conditions.

§ 5. That so soon as the sum of two thousand five hundred dollars shall have been subscribed by private subscriptions and by the county court aforesaid, the said commissioners shall proceed to put said bridge under contract, and cause the same to be built.

When to be built.

§ 6. That should any of the commissioners hereby appointed refuse to act, die, resign, move out of the county, or, after having accepted, fail or refuse to perform the duties required by this act, the county court aforesaid shall appoint another commissioner, or other commissioners, to act in the stead of said commissioner so refusing to act, dying, resigning, or removing, who shall be vested with like powers as the commissioner or commissioners in whose stead he or they shall be appointed.

Vacancies, how filled.

§ 7. That the same proceedings shall be instituted to condemn the land on either side of Russell's creek, necessary for road-way and abutments, as are required for the condemnation of land for county roads.

Approved January 14, 1854.

1854.

CHAPTER 25.

AN ACT to incorporate the Paducah Marine Rail ways Company.

Corporate name

Capital.

Powers.

Managers, and when to be elected.

A lien given on vessels for dockage and repairs.

Town of Paducah may convey four lots.

First election.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Alfred Boyd, David Watts, William Smedley, William Nolin, R. Case, and James Campbell, and their associates, be and they are hereby incorporated by the name and style of the Paducah Marine Railways Company, and by that name shall have perpetual succession. The capital stock of said company shall be in shares of fifty dollars, and each shareholder shall be entitled to one vote for each share up to ten, and one vote for each ten additional shares, in all elections by the stockholders; and said company may sue and be sued, plead and be impleaded, in the courts of this commonwealth; and said company, by their board of managers, may make all necessary rules and by-laws for the government and control of the business of said company; and said company may purchase, acquire, and hold all personal real estate that may be needed in the business of the company, which shall be the building, furnishing, repairing and docking of vessels, steamboats, and other water crafts.

§ 2. The business of said company, shall be managed by a president, manager, treasurer, and five directors, to be styled the board of managers, and they shall be elected by the stockholders on the first Monday in May in each year, and hold their office until their successors are elected and qualified. The stockholders shall fix and allow to the president, manager and treasurer such compensation or salary as they may deem right, and which shall be paid monthly. The said company may charge such fees for the dockage of vessels, steamboats, or other water crafts, as may be fixed by said board of managers; and shall have a lien on all vessels, steamboats, or other water craft and their appendages, for all sums of money due and owing to said company by any such vessel, steamboat, or water craft; and said board of managers shall declare a dividend on the capital stock of said company on the first Mondays in January and July in each year, reserving such a contingent fund as they may deem proper.

§ 3. It shall be lawful for the town of Paducah to convey by deed to said company the four lots owned by said town, and the marine railways on said lots, the same to revert, if not appropriated to the purpose of railways, in accordance with a resolution of the board of trustees of the town of Paducah.

§ 4. The shares of stock in said company may be transferred on the books of said company, in person or by attorney.

§ 5. The said company may use and appropriate forty feet of the street adjoining their marine railway.

§ 6. The first election of the board of managers may be

at any time by the stockholders, on three days notice posted on the court house door in the town of Paducah.

1854.

Approved January 14, 1854.

CHAPTER 26.

AN ACT for the benefit of School District No. 7, in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the superintendent of public instruction be and he is hereby directed to draw an order on the auditor of public accounts for the sum of eleven dollars, which shall be paid to the commissioners of the common schools in Graves county, to be paid by them to the trustees of school district No. 7, for the use and benefit of said district.

Approved January 14, 1854.

CHAPTER 27.

AN ACT to amend the charter of the town of Danville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the board of trustees of the town of Danville to cause a poll to be opened, at the regular election for trustees of said town, on the first Saturday in April next, and every year thereafter, for the election of a town attorney and night-watch; and all laws giving the election of said officers to the trustees of said town are hereby repealed: *Provided however,* that the said board of trustees shall have the power to determine whether the interests of said town require the election of said night-watch.

Approved January 14, 1854.

CHAPTER 28.

AN ACT to revive and amend an act incorporating the Stanford and Hustonville Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, an act to incorporate the Stanford and Hustonville turnpike road company, approved March 20, 1851, be and the same is hereby revived and amended: that the commissioners named in said act may and they are hereby authorized and directed to open books for the subscription of stock to said turnpike road at any time within five years from the passage of this act.

Former act revived and amended.

§ 2. That when six thousand dollars shall be subscribed to the capital stock of said company it shall be the duty of

When read to be let out.

1854.

the president and directors of said company to let out five or more miles of said road.

§ 3. That Robert H. Givens be and he is hereby appointed a commissioner, to fill the vacancy occasioned by the removal of John L. Bailey.

Approved January 14, 1854.

CHAPTER 29.

AN ACT to amend the charter of the Newport and Licking Turnpike and Plank Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Newport and Licking turnpike and plank road company may construct said road from a point at or near the corporation line of Newport, in Campbell county, thence up the Licking valley, crossing Three Mile creek near its mouth, passing near six mile lock, and continuing in such direction and to such distance, in Campbell county, as to said company may seem most appropriate; and said company may increase their capital stock to such amount as they may find necessary for the completion of said road. No toll gate shall be established on said road within less than one-fourth of a mile of the present city limits of Newport. So much of the act incorporating said company as is inconsistent with this act is hereby repealed.

Approved January 14, 1854.

CHAPTER 30.

AN ACT for the benefit of Black Hawk Tribe No 2, Improved Order of Red Men, in the city of Covington.

Corporate name
and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the members of Black Hawk Tribe No. 2, Improved Order of Red Men, in the city of Covington, be and they are hereby created a body corporate and politic, by the name and style of Black Hawk Tribe No. 2, Improved Order of Red Men, with perpetual succession, and by that name shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real estate as may be requisite for the use and accommodation of said order; to receive all necessary conveyances, and to sell, convey and dispose of all such real estate as they may now have or hereafter acquire: *Provided*, the amount vested in real estate shall at no time exceed ten thousand dollars, in addition to the building or buildings that may be erected thereon.

Number of trustees,
and their powers.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to three trustees, whom the said order shall appoint annually, in the month

1854.

of April, who, or a majority of whom, shall have full power to make all contracts pertaining to the real estate in any respect, either by purchasing, renting, building, or for any other purpose, which shall be binding and obligatory on the order, when made pursuant to the rules, by-laws and instructions of the order; and when a vacancy shall occur in said trustees, the order may proceed at any time to fill it. Should any trustee remove from the city of Covington, or cease to be a member of the order, his office shall be thereby vacated, and the order, for good cause, may remove any of the trustees. The service of process or notice on any trustee shall be sufficient notice to said corporation in all cases whatever, where service of process or notice shall be necessary.

Vacancy, how filled.

§ 3. That the object of this corporation is only to enable said order to hold and manage real estate, and this act and the power hereby granted shall not be employed for any other purpose; and should said order at any time be discontinued, the real estate shall be for the use and benefit of such members as shall then be of good standing.

Objects of the act.

Approved January 14, 1854.

CHAPTER 31.

AN ACT for the benefit of the Common School in Bardstown.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the citizens of Bardstown, entitled to the right of suffrage under existing laws, may vote at the next regular election for trustees of said town, upon the propriety of levying a tax upon the property, real and personal, in the school district of said town.

Citizens may vote on school tax.

§ 2. That if a majority of the voters in said school district decide in favor of said tax being levied upon the property aforesaid, then the trustees of said town, and their successors in office, shall have the power to assess and levy upon the real and personal property in said district: annually, a tax sufficient to raise a sum not exceeding one thousand dollars, out of which to pay for a competent teacher or teachers of such children as come within the provisions of the common school laws.

If voted, trustees may levy it.

§ 3. That the trustees of said town may appropriate to the purposes of common school education in said town, all fines arising from the violation of the by-laws of said town, or of the laws of this commonwealth, and which are granted to said town by its charter.

How to be appropriated.

§ 4. That it shall be the duty of the sheriff of Nelson county, and the clerk of said county court, to attend at said election, and that a copy of the poll book thereof shall be lodged with the clerk of said court and the clerk of the board of trustees of said town, and that said officers

Election thereon, how conducted.

1854.Trustees may
select teachers.

shall act with the present officers of said trustees in conducting said election.

§ 5. That the trustees so elected as is recited in the first section of this act, or a majority of them, may select the teacher or teachers for such school or schools as are now or may hereafter be established in the Bardstown common school district.

Make rules for
government of
schools.

§ 6. That the trustees of said town elected at the next regular election thereof, and their successors in office, shall have power and authority to make and prescribe all by-laws necessary to execute the powers hereby vested in them, and from time to time to amend or repeal the same: *Provided*, such by-laws be not inconsistent with the constitution and laws of this state; and that the property of no religious society shall be taxed under this law.

And make ad-
ditional appro-
priations.

§ 7. That the trustees of said town may annually appropriate such portion of the money authorized to be raised by this act, as may not be required to compensate the teacher or teachers of said schools, to the renting, repairing or building a house for common school purposes.

Approved January 14, 1854.

CHAPTER 33.

AN ACT to take the sense of the citizens of Ballard county upon the removal of the county seat from Blandville to Fort Jefferson.

Election, when
to be held.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the several officers of the elections in and for Ballard county, on the first Monday of August next, at each of the voting places in said county, to open a column headed "Fort Jefferson."

Duty of officers
holding same.

§ 2. That it shall be the duty of the several clerks of the election, at each precinct, distinctly to propound to each voter the question "Are you in favor of a removal of the county seat of Ballard county from Blandville to Fort Jefferson, in said county," and the votes of those answering in the affirmative shall be recorded in the column headed "Fort Jefferson."

How result
ascertained.

§ 3. That the result of the vote shall be ascertained in the same manner and at the same time that the result of the election holden at the time aforesaid shall be ascertained, and the exact number of votes given for Fort Jefferson shall be certified by the county judge, sheriff, and clerk of the county court thereof, who shall record said certificate: *Provided however*, that the county seat of said county shall not be removed from its present location to Fort Jefferson, unless at the election aforesaid a majority of all the qualified voters of said county shall have voted for said removal; the number of qualified voters of said

county to be ascertained by the assessor's book for said county as returned for the year 1854.

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§ 4. That so soon as the necessary public buildings, to-wit: court house and clerk's office, are complete, it shall then be the duty of the county and circuit clerks to cause all the public papers and records belonging to said courts, to be removed to said Fort Jefferson within twenty days thereafter, which shall be and remain the permanent seat of justice for said county; and the circuit and county courts shall be held in said town of Fort Jefferson.

Duty of circuit and county court clerks.

§ 5. That the county court of said county are hereby authorized to sell the public buildings and property in said town of Blandville, in Ballard county, either privately or publicly to the highest bidder, upon such credit as said court may deem expedient, and apply the proceeds of said sale towards the erection of a jail and court house in Fort Jefferson, in said county: *Provided however*, that no sale shall take place except upon the contingency that said county seat shall be removed as aforesaid.

County court may sell public buildings.

Approved January 16, 1854.

CHAPTER 34.

AN ACT to amend an act incorporating the town of Burksville.

WHEREAS, doubts have arisen as to whether the act, entitled, "an act to incorporate the town of Burksville, and for other purposes," approved 23d February, 1846, and an act amendatory thereto, entitled, "an act to amend an act incorporating the town of Burksville," approved 17th February, 1847, are in full force, since the adoption and passage of the Revised Statutes. For remedy whereof,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, "an act to incorporate the town of Burksville, and for other purposes," approved 23d February, 1846, and an act, entitled, "an act to amend an act incorporating the town of Burksville," approved 17th February, 1847, be and the same are hereby declared to be in full force and effect.

Former acts revived.

§ 2. That the trustees of said town shall have full power and authority to take care of, provide for, and maintain the poor persons within the corporate limits of said town, by taxation or otherwise. And they shall also have exclusive power to grant tavern and coffee house licenses to persons within the corporate limits, and shall not demand more than seventy-five dollars for the privilege of retailing any spirituous liquors from any applicant, but may grant said license for a less sum. But said licenses shall in no event be granted by the board of trustees, until the applicant produces the receipt of the county court clerk, for the tax due the commonwealth.

Trustees may provide for the poor.

And grant tavern licenses.

854.

Fines to go to
the town.

§ 3. All fines imposed by the corporate authorities of said town for a violation of its by-laws, and for all violations and infractions of the statute laws of this state, when committed within the corporate limits of said town, and fines imposed therefor, shall be paid over, when collected, to the treasurer of the board of trustees for said town, and be applied by said board to the grading, paving, and macadamizing the side-walks, streets, alleys and public square of said town, in the discretion of said board.

Approved January 16, 1854.

CHAPTER 35.

AN ACT to incorporate the Kentucky Horticultural Society.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Edward D. Hobbs, A. G. Munn, Ormsby Hite, T. S. Kennedy, John P. Morton, Lawrence Young, Arthur Peter, Philip Speed, and E. Wilson, and their successors in office, be and they are hereby constituted a body politic and corporate, by the name and style of of the Kentucky Horticultural Society; and by that name to sue and be sued, plead and be impleaded, in any court of law or equity; and may make such by-laws, rules, and regulations for the government of said society as they may deem proper: *Provided*, the same be not contrary to the laws of this state.

§ 2. That said society shall be capable of acquiring, by purchase or otherwise, any quantity of real estate not exceeding in value one hundred thousand dollars, and may acquire, hold, and dispose of such personal estate as the president and directors of said society may deem necessary and proper. The said association may adopt and use a corporate seal, or may use the seal of its president for the time being.

§ 3. The prudential, fiscal, and other concerns of said society, together with all its estate of every kind, shall be under the control and management of a president, six vice presidents, and an executive board consisting of four members; and the president and the executive board shall have power to appoint a treasurer and secretary, and such other inferior officers as they may deem necessary in carrying out the purposes of said society; such president and executive board, or any two of such board, with the president or one of the vice presidents, shall be a quorum to do business, unless the society shall fix on and require a different number.

§ 4. That the first election of officers of said society shall be held within thirty days after the adjournment of the present general assembly: *Provided*, that the said cor-

porators give ten days notice, in a newspaper published in Louisville, of the election being about to be held.

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§ 5. All subsequent elections of the officers of said society shall be held annually on the first Saturday in December, unless otherwise ordered by the board of managers. The officers of said society to hold over until their successors are elected.

Approved January 16, 1854.

CHAPTER 36.

AN ACT to incorporate the Harrodsburg Fire Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That J. T. Howland, A. E. Gibbon, Wm. H. Sellers, M. B. Pulliam, E. Yates, H. Smith, and A. F. Cochran, and their associates, are hereby created a body politic and corporate, by the name and style of the Harrodsburg Fire Company, and as such shall have perpetual succession, and be capable, in law, of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in any action or suit, in any court whatever; and may have and use a common seal, and change the same at pleasure.

Style of incorporation.

§ 2. They shall have the right to purchase, take, and hold a fire engine, hose, hooks and ladders and the necessary apparatus and tools for the use and repair of the same, and when convenient the same to sell and convey, and purchase other engine, &c. They may purchase and hold, in the town of Harrodsburg, as much ground as will be required for a convenient engine house and place to transact business; and it shall be their duty to organize themselves as a fire company, and keep an engine, hose, and necessary dependent apparatus for extinguishing fires, at all times in good order and repair, and on an alarm of fire, to repair to the same with their engine, &c., and to use all the diligence and power they can employ to the extinguishment of the same, and they shall do and transact no other business than what belongs to a fire company.

Right to purchase property, &c.

§ 3. That it shall be lawful for said company to make all needful rules and by-laws, with adequate penalties, for the government of the company, and the preserving of the property of the same, that they may deem proper, not contrary to the laws of this or the United States. The fines and forfeitures to be recoverable in the same manner as the fines and forfeitures under the by-laws of the town of Harrodsburg.

May pass by-laws, rules, &c.

§ 4. That the members of this company, not to exceed one hundred, shall be exempt from military duty, except in time of war, and from serving on all juries, except

Number of members limited.

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grand juries and venires. The secretary of the said company, on or before the first of February in each year, shall furnish the sheriff and circuit court clerk with a list of the members of said company. The legislature reserves the right to repeal or modify this charter.

Approved January 16, 1854.

CHAPTER 37.

AN ACT to amend an act, entitled, "an act to incorporate the Independent Fire Company Washington No. 1, of Maysville and suburbs."

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the names of "H. W. Woodworth, Joseph F. Bradrick, B. C. Garew, and Jo. Phister," contained in the 1st section of an act, entitled, "an act to incorporate the Independent Fire Company Washington No. 1, of Maysville and suburbs," approved December 27th, 1851, be stricken out, and the names of "W. H. Wadsworth, Joseph F. Brodrick, R. C. Larew, and Jacob O. Phister substituted in place thereof.

§ 2. That said company may establish a library for the use of the members, subject to such rules and regulations as may be from time to time ordained by the company.

§ 3. That in consideration of the services and perils of said fire company, one third of the members allowed to said company shall be exempt from serving on juries; which third shall be designated by the company, and the names thereof in writing on the 1st day of January in each year furnished to the clerk of the Mason circuit court, and to the mayor of the city of Maysville.

§ 4. That this act shall take effect from its passage.

Approved January 16, 1854.

CHAPTER 38.

AN ACT for the benefit of the Tuckahoe Ridge Turnpike Road Company, of Mason county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the proceedings of the Tuckahoe Ridge road company, establishing a grade on their turnpike road, in Mason county, of 3 degrees 30 minutes, are hereby legalized.

§ 2. That said Tuckahoe Ridge turnpike road company are hereby authorized to erect a toll gate at or near the bridge built by them over Lee's creek, in the aforesaid county, any law to the contrary notwithstanding.

Approved January 16, 1854.

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CHAPTER 39.

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AN ACT for the benefit of Common School Districts Nos. 17 and 40, in Green county.

WHEREAS, it is represented to the present general assembly that in common school district No. 40, in Green county, there was taught in the year 1851 a common school for six months prior to the 10th of November, in that year, and that in district No. 17 there was taught in said county, in the year 1852, a common school for the term of three months prior to the 10th of November, 1852, each of which districts were in due time reported by the trustees thereof to the commissioner, as required by law, but from some cause or other said districts failed to receive their portion of the school fund for said year. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the superintendent of public instruction be and he is hereby directed to draw his draft upon the auditor of public accounts, to be paid out of the common school fund, for the amount to which said districts are entitled respectively, viz: to said district No. 40 the sum of forty seven dollars and forty cents, and to district No. 17 the sum of thirty six dollars.

Approved January 16, 1854.

CHAPTER 40.

AN ACT to amend an act establishing a Police Court in Greenville, Ky.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all laws that restrict the action of the marshal of the police court of Greenville, in Muhlenburg county, to the execution of process issued by the police judge of said town only, be and the same is hereby repealed.

§ 2. That the marshal elected from time to time, as well as the one now in office, shall have the same powers, and be governed by the same by-laws, rules, and regulations that now govern constables, in addition to the powers and duties now given by law; that he serve process and act upon execution and other writs issued by justices, as constables now do, in any part of said county, and that his liabilities be the same.

Approved January 16, 1854.

CHAPTER 41.

AN ACT for the benefit of Assessor of Jessamine county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts is hereby authorized to draw his warrant upon the treasury

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in favor of Duke Hambleton, assessor of taxes for Jessamine county, for the sum of one hundred and thirty seven dollars and twenty eight cents.

Approved January 16, 1854.

CHAPTER 42.

AN ACT for the benefit of the Sheriff of Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Owen county be allowed until the 20th day of February, 1854, to pay into the treasury the balance of the revenue for the year 1853, by his securities filing their consent in writing to such indulgence, with the auditor of public accounts.

Approved January 16, 1854.

CHAPTER 43.

AN ACT for the benefit of Common School Districts Nos. 4, 5, 22, and 30, of Larue county.

WHEREAS, it appears that schools were taught in districts Nos. 4, 5, 22, and 30, of Larue county, in the year 1851, under the provisions of the common school system, and were reported by the trustees of said districts to the commissioners of said county, who failed to report to the superintendent of public instruction. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the superintendent draw an order on the auditor for the sum of one hundred and thirty eight dollars and sixty cents, being the amount due said districts, viz: to district No. 4, thirty seven dollars and eighty cents; to district No. 5, forty three dollars and eighty cents; to district No. 22, twenty seven dollars; to district No. 30, thirty dollars; and that the same be paid to William Howell, commissioner of said county, who has advanced the money to said districts.

Approved January 16, 1854

CHAPTER 44.

AN ACT for the benefit of John J. Mackall.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Logan county be and it is hereby authorized to receive the book made out by John J. Mackall, assessor of tax for the year 1853, although the said Mackall fails or refuses to be qualified thereto, as the law now directs, and upon ascertaining the amount now due said assessor, to make an order of allow-

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ance upon the treasury therefor; and the said court is to be governed in all things pertaining to said assessor's book and allowance in the same manner as though the assessor had regularly made oath to the same.

Approved January 16, 1854.

CHAPTER 45.

AN ACT to repeal the act, entitled, an act to exempt certain property in the town of Flemingsburg from town tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, "an act to exempt certain property in the town of Flemingsburg from town tax," approved the 12th day of January, 1848, be and the same is hereby repealed. This act shall take effect immediately.

Approved January 16, 1854.

CHAPTER 46.

AN ACT to amend the charter of the Galt House Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the president and managers of the Galt house company, for the purpose of enlarging their hotel accommodations, may lease or purchase and hold additional ground, either adjoining the half acre lot No. 13, or elsewhere in Louisville, and may demise, sell, or exchange the same at any time.

§ 2. The said company, to enable them to provide the means necessary for the purposes aforesaid, may issue bonds to an amount not exceeding one hundred thousand dollars, with interest thereon at any rate not less than four nor more than eight per cent. per annum, payable semi-annually, and they may issue coupons for the interest; the said bonds and the interest shall be payable at the bank of Kentucky; the bonds shall be signed by the president and clerk of the corporation, and may be made payable "to bearer," or "to order," and shall be payable ten years after their dates, but redeemable at the will of the company; the coupons shall be signed or otherwise authenticated as the said company may by by-law direct.

§ 3. A lien shall exist on the Galt house, and the additions that may be made thereto, and on all the real and leasehold estate that the said company now own, or may hereafter acquire, to secure the payment of any bonds that may be issued as herein authorized, with the interest thereon; and in the event of any of said bonds or interest not being punctually paid, any holder thereof may foreclose said lien, or may attach the rents due or to become due, and subject them to the payment of said bonds and inter-

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ent; the said company may sell the bonds herein authorized, at such price or prices as to them shall seem proper; and such sales shall be legal and valid.

§ 4. The said company may procure additional subscriptions of stock, so as to increase their capital stock to the amount of fifty thousand dollars.

§ 5. This act shall not take effect until approved by two-thirds of the votes of the stockholders, at a meeting to be called for that purpose by the president of the company, and ten days previous notice of the time and place of said meeting shall be given by publication in one or more of the daily newspapers published in the city of Louisville, and the stockholders at such meeting may pass any by-laws, in relation to the issuing of said bonds and coupons not inconsistent with this act.

Approved January 16, 1854.

CHAPTER 47.

AN ACT for the benefit of the widow and children of Francis Hillary, deceased.

WHEREAS, the general assembly of the commonwealth of Kentucky, on the 30th day of November, 1850, passed an act vesting the entire estate of Patrick Hillary, deceased, both real, personal, and mixed, in Francis Hillary; and whereas, it is represented to this general assembly that Francis Hillary, since the passage of said act, has departed this life intestate, leaving no heirs in the United States capable of inheriting his estate, he being an alien; and whereas, the said Francis Hillary, in his lifetime, expressed himself as being desirous of settling his entire estate, both real, personal, and mixed, on Ann Hillary, his wife, in trust for the use of his said wife and children; and whereas, the said Francis Hillary died without making any provision for his said wife and children, whereby his estate became vested in this commonwealth. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the right, title, and interest which the said commonwealth has in or to any estate, real, personal, and mixed, of Francis Hillary, deceased, be and the same is hereby released to and vested in his wife, Ann Hillary, and his children. And the said widow and children shall own, use, enjoy, and be possessed of the same right and title to said property as the widow and children of a person dying intestate are vested with by the statutes of descents and distribution, of this state.

Approved January 17, 1854.

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CHAPTER 48.

AN ACT for the benefit of James Barnes, of Cumberland county.

WHEREAS, James Barnes, of Cumberland county, was fined, for an alleged breach of the penal laws, the sum of twenty dollars, by a justice of the peace of said county; and whereas, said fine was fully remitted by the governor, but before said remittance reached said Barnes the fine aforesaid was coerced from said Barnes, and paid into the treasury of this commonwealth. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts be and he is hereby authorized to draw his warrant upon the treasurer in favor of said Barnes, for the sum of twenty dollars, which amount is hereby allowed said Barnes, to be paid out of any money in the treasury not otherwise appropriated.

Approved January 17, 1854.

CHAPTER 49.

AN ACT for the benefit of Demoss Lodge, No. 220, of Free and Accepted Masons, of Pendleton county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the members of Demoss Lodge, No. 220, of Free and Accepted Masons, of Pendleton county, be and they are hereby created a body politic and corporate, by the name and style of Demoss Lodge, No. 220, with perpetual succession, and by that name shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real estate and personal estate as may be required for the use of said lodge; to receive all necessary conveyances; to sell, convey and dispose of all such real or personal estate as they may now have, or hereafter acquire: *Provided,* the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed two thousand dollars.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to the master and wardens of said lodge, for the time being, and successors in office, trustees thereof, who, or a majority of them, shall have full power to make all contracts pertaining to the real or personal estate of said lodge; to sue for and obtain legal title to any real estate which may have been heretofore purchased by any member or members of said lodge, for the use of said lodge, and which has never been conveyed by the vendee or vendees, which shall be binding and obligatory upon said lodge, when made in pursuance of the by-laws and instructions of said lodge; and service of pro-

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cess or notice on said trustees shall be sufficient notice to said corporation.

§ 3. The legislature reserves to itself the right to change, alter, or modify, or amend the same at pleasure.

Approved January 17, 1854.

CHAPTER 50.

AN ACT to incorporate the Central Kentucky Agricultural and Mechanical Association.

WHEREAS, it is represented to the general assembly that citizens of the county of Boyle and adjoining counties, are anxious to create an association for the purpose of improvement in agriculture and the mechanic arts, and have petitioned for an act of incorporation. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Abram I. Caldwell, W. L. Tarkington, A. G. Talbott, Joseph Helm, Clifton Rodes, A. D. Myer, J. S. Hopkins, J. P. Fisher, J. B. Akin, D. W. Jones, Tho. W. Varnon, George Carpenter, W. C. Nichols, Wm. Whitley, Wm. A. Cook, Dr. John A. Tomlinson, William Thompson, F. B. Kinkead, William J. Morberly, John B. Bowman, James McAfee, John S. Hoskins, G. J. Salter, James Beasley, H. Z. Perkins, John Dinwiddie, W. H. Paxton, Robert McChord, and Dr. J. C. Maxwell, and such other persons as may choose to associate with them, be and they are hereby created a body politic and corporate, with perpetual succession, under the name and style of the "Central Kentucky Agricultural and Mechanical Association;" and by that name may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity; and shall be capable of acquiring, by purchase or otherwise, any quantity of land in the county of Boyle, in the neighborhood of Danville, not less than ten nor exceeding fifty acres, and may improve, sell, and convey the same, or any part thereof, at pleasure; and may acquire, hold and dispose of such personal estate as the president and directors of said association may deem necessary and proper. The said association may adopt and use a corporate seal, or may use the private seal of its president for the time being.

§ 2. The capital stock of said association shall be divided into shares of twenty-five dollars each, to be subscribed for and taken agreeably to such rules and regulations as the corporation may direct. Any five of the persons before named are authorized to open books for the subscription of stock in said corporation, at any time and place they may designate; and so soon as, in their judgment, sufficient stock is subscribed for to meet the objects and purposes of the said association, they may call a meeting

Style of incorporation.

Power to sue, &c.

May hold real estate, and to what extent.

Books to open for subscription of stock.

of the subscribers who are shareholders, at Danville, after having given notice in person to each subscriber, or by publication in the Kentucky Tribune, or any other paper published in Danville, at least ten days previous thereto, of the time and place of such meeting; at which time the subscribers then present shall proceed to the election of a president and eight directors of said association, each of whom shall be a shareholder therein, and such other officers as to them may seem necessary.

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President and directors chosen, when and where.

§ 3. The president and directors so chosen shall continue in office until the second Saturday of May then next ensuing, and until their successors are chosen and enter upon the duties of their office, at which time, and annually thereafter, an election of president and directors shall be had by the shareholders of said association, unless the members of said association shall by resolution fix upon a different day; and they may at their annual election increase or diminish the number of directors, as to them may seem best.

How long to hold office.

§ 4. The prudential, fiscal, and other concerns of said association, together with all its estate of every kind, shall be under the control and management of the president and directors thereof, and they shall have the power to appoint a treasurer and secretary, and such other inferior officers as they may deem necessary in carrying out the purposes of said association; and they may require of such inferior officers, or either of them, so elected, bond with good security, payable to themselves, for the faithful discharge of their duties. The president and directors shall have power to make such regulations and by-laws, not inconsistent with the constitution and laws of this commonwealth, as in their opinion may contribute to the good order and management of said association, and enforce the same, and from time to time may alter, repeal, or modify them as they may think proper. They shall have the power to contract and be contracted with, in their corporate name, and to do any and every other act, not inconsistent with the constitution and laws of this commonwealth, which in their opinion will contribute to the advancement of the objects of the association.

President, &c. to manage affairs of the company.

May make by-laws, &c.

Power to contract, &c.

§ 5. A majority of the directors of the association, together with the president, shall be a quorum for the transaction of business, unless the association shall fix upon and require a different number.

§ 6. The said association, in its corporate capacity, with all the estate belonging thereto, shall be liable for any debts contracted by it, or by its authority.

Shall be liable for its debts.

§ 7. That no spirituous liquors shall, directly or indirectly, during the continuance of any fair of said association, be sold upon the premises used for such fair, nor shall any such liquor, during any such time, be sold either directly or indirectly upon any lot or lane, road or street, adjoining

Spirituous liquors forbidden at fairs.

1854.

How fines may
be imposed for
violations of
rules, &c.

or within one half a mile of the same, under the penalty of twenty dollars for each and every such offense, to be recovered, together with costs, by warrant before the police judge of the town of Danville, or before any justice of the peace of Boyle county; and each separate act of selling shall be a distinct offense. Any county other than the county of Boyle which by its citizens shall subscribe as much as twenty shares to the capital stock of this association, shall, by its subscribers, at the annual election, elect and appoint one director of this association, and one for each additional subscription of twenty shares.

Approved January 17, 1854.

CHAPTER 51.

AN ACT to incorporate the Southwestern Agricultural and Mechanical Association.

WHEREAS, divers persons of the county of Jefferson and elsewhere in this commonwealth, have organized an association under the name and style of the Southwestern Agricultural and Mechanical Association, for the purpose of promoting improvements in all the various departments of agriculture, including not only the great staples of industry and trade, but also fruits, vegetables, and ornamental gardening, the promotion of the mechanic arts in all their branches, the improvement of the race of all useful and domestic animals, the general advancement of rural economy and household manufactures, and the dissemination of useful knowledge upon those subjects, and for that purpose have adopted a constitution and by-laws, and chosen a president and ten directors to control and manage the affairs thereof, and desire an act of incorporation thereof.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said association be and it is hereby created a body politic and corporate, with perpetual succession, under the name and style of the Southwestern Agricultural and Mechanical Association, and by that name may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity, and shall be capable of acquiring by purchase or otherwise, any quantity of land not exceeding one hundred acres, and may improve the same, or any part thereof, at pleasure; and may acquire, hold and dispose of such personal estate as the president and directors of said association may deem necessary and proper. The said association may adopt and use a corporate seal, or may use the seal of the president for the time being.

§ 2. That the president and directors already chosen as aforesaid, shall continue in office until the first day of May,

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1854, and until their successors are duly elected and qualified; an election, however, of a president and ten directors shall be had on the first day of May, 1854, by the qualified members of said association, and annually thereafter, unless the members of said association at said annual election shall by resolution fix upon a different day, and they may at their annual election reduce the number of directors.

§ 3. The prudential, fiscal, and other concerns of said association, together with all its estate of every kind, shall be under the control and management of the president and directors aforesaid, and they shall have power to appoint a treasurer and secretary, and such other inferior officers as they may deem necessary in carrying out the purposes of said association; and they may require of such inferior officers, or either of them, so elected, bond with good security for the faithful discharge of his or their duty. Said president and directors shall have power to make such regulations and by-laws, not inconsistent with the laws and constitution of this commonwealth, as in their opinion may contribute to the good order and management of said association, and may from time to time modify and repeal the same at their pleasure. They shall have power to contract and be contracted with in their corporate name, and do any and every other act, not inconsistent with the constitution and laws of this commonwealth, which in their opinion will contribute to advance the objects of said association.

§ 4. Any five members of the directors, together with the president, shall be a quorum for the transaction of business, unless the association shall fix on and require a different number.

§ 5. That said association shall in its corporate capacity, with all the estate belonging thereto, be liable for any debts before contracted by it, or by its authority, as fully as though the same had been contracted since the passage of this act.

Approved January 17, 1854.

CHAPTER 53.

AN ACT to increase the capital stock of the Lexington Gas Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the capital stock of the Lexington Gas Company shall be increased to fifty thousand dollars, divided into shares of fifty dollars each, to be subscribed in such amounts and at such time as the majority in amount of the stockholders shall determine.

Approved January 17, 1854.

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CHAPTER 55.

AN ACT to incorporate Albany Lodge No. 206, of Clinton county.

Corporate name
and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the members of Albany Lodge No. 206, in Albany, Clinton county, of free and accepted masons, be and they are hereby created a body politic and corporate, by the name and style of "Albany Lodge No. 206," with perpetual succession; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real and personal estate as may be required for the use and accommodation of said lodge; to receive all necessary conveyances; to sell, convey, and dispose of all such real and personal estate as they may now have or hereafter acquire: *Provided,* the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

Trustees pro-
vided.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to Rice Maxey, William Bramlette, and Samuel Bell Maxey, master and wardens of said lodge, and their successors in office, as trustees thereof, who, or a majority of them, shall have full power to make all contracts pertaining to the real or personal estate, in any respect, either in purchasing, building, renting or for any other purpose, which shall be binding and obligatory upon said lodge, when made in pursuance of the rules, by-laws, and instructions of said lodge; and service of process on any of said trustees shall be sufficient notice to said corporation.

May pass by-
laws.

§ 3. That said lodge may at any time pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this state, as may be necessary for the protection, management, and safe keeping of the property of said lodge.

§ 4. The general assembly reserves the right to change, alter, or amend this act at pleasure.

Approved January 17, 1854.

CHAPTER 56.

AN ACT to incorporate the Winchester Cemetery Company.

Style of incor-
poration.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Francis B. Moss, Henry G. Poston, Warren Fraser, John Clinkenbeard, Josiah A. Jackson, Lewis Hampton, John Oatherwood, and A. H. Buckner, and their associates, be and they are hereby made a body politic and corporate in law, under the name and style of the "Winchester Cemetery Company," and by that name said company shall have perpetual succession, and shall be able and capable in law to have and use a com-

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mon seal, to sue and be sued, to plead and be impleaded, and to do all such other things as are incident to a corporation. They shall have power to purchase any quantity of land in the county of Clarke, not exceeding thirty acres, and receive a conveyance therefor, with such covenants of warranty as they may think proper. The land and appurtenances, when conveyed to said company, shall be held solely and exclusively for a cemetery and ornamental grounds connected therewith, and shall never be alienated, sold, or used for any other purpose whatever; but the company may permit their superintendent or other officers to use any portion of their grounds, not sold for burial lots for horticultural purposes; but the same shall not be used in a manner inconsistent with the reverence and respect due to the cemetery of the dead. The grounds, fixtures, shrubbery, and everything growing therein, shall be exempt from taxation, and after the ground shall be fully paid for, no part thereof shall ever be subject to sale, by virtue of any mortgage, judgment, execution or decree, for any cause whatever. No road or other pass-way shall ever be opened through said grounds, unless by consent of said company, and shall not in any event pass over or interfere in any way with any lot which may have been sold by said company for burial purposes. The said company may take and receive by gift or devise any land or other property, to be held and appropriated to the ornamenting, improving, or extending the grounds of the company, and may vest in state stock or loan out any spare funds they may at any time have, but shall never exercise or attempt to exercise any banking powers.

May hold real estate and to what extent.

Privileges granted to officers.

No trustees to be allowed on the grounds.

§ 2. That within sixty days after the passage of this act, the persons named in the preceding section shall cause books to be opened at the circuit court clerk's office in the town of Winchester, for the purpose of receiving subscriptions to the stock of the company, in shares of twenty-five dollars each, which books shall be kept open until at least fifty shares shall have been subscribed, when they may be closed: *Provided however*, that any person may thereafter make private subscriptions upon the books of said company at their office.

Books for subscription of stock, when and where to be opened.

§ 3. That so soon as the books shall be closed, the said corporators, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the shareholders, and hold an election for seven trustees who shall continue in office for three years, and until their successors shall be elected and duly qualified; said board of trustees shall elect one of their own number as president, and shall have power to fill vacancies in their own body. Four trustees shall constitute a quorum for the transaction of business. Death, resignation, or removal from the county of Clarke shall vacate the office of a trustee, and none but shareholders residing in Clarke county, shall be

When trustees may be chosen.

No. of trustees, and where to reside, and how long elected for.

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Notice of elec-
tions to be giv-
en.

eligible to said office. Elections of trustees shall be held every three years, and if, for any cause, an election shall not be held at the proper time, then said trustees shall appoint some other time for the election, and the elections shall be held under the direction of the board then in office, and a majority of the shareholders who vote shall elect. Reasonable public notice shall always be given of the time and place of holding elections. Every owner of a lot or lots of the value of twenty-five dollars, shall be a shareholder, and each shareholder shall be entitled to one vote for each share he may own; but no person or corporation shall be entitled to more than three votes. Each trustee, before he enters upon the duties of his office, shall make oath before some officer authorized by law to administer the same, that he will faithfully and impartially discharge the duties of his office.

Superintendent,
how appointed
and term of of-
fice regulated;
his duties, &c.

§ 4. That the trustees shall have power to appoint a superintendent, clerk, treasurer, and such other officers as they may deem proper, and regulate their terms of office, and may take from any or all of them bond with good security for the faithful discharge of their duties. They shall keep a regular record of their proceedings, and of all sales, transfers and disbursements, and shall prepare and keep an accurate map and survey of the grounds and lots, and have the same recorded in the clerk's office of the Clarke county court. They shall have power to make by-laws for the regulation and sale of lots, and for the control, care, and management of the grounds and graves, and the mode of ornamenting the same, and establish rules in relation to the interment of bodies, and make such other by-laws and regulations as may be necessary for the purposes of the company; they shall have power to enter upon any of the lots and remove any ornaments, fixtures or shrubbery that may be placed on said lots, against the by-laws or regulations of said company.

When build-
ings to be erect-
ed and grounds
improved.

§ 5. That so soon as the ground is purchased, and the trustees elected and qualified, they shall have power to lay out and ornament the same, or any part thereof, and from time to time erect, alter, repair, or add such buildings or fixtures as may be necessary for the use or ornament of the cemetery or grounds, and shall have power to sell burial lots at either public or private sale, and execute conveyances to the purchasers. When the lots shall be laid out, and before any sale shall be made, it shall be the duty of the trustees to assign by lot, or in some other equitable manner, and convey to each subscriber to the stock of the company, one or more lots corresponding in valuation with the amounts of their respective subscriptions, which conveyance shall be in full satisfaction thereof.

How convey-
ances of lots to
be made.

How title to
lots may pass.

§ 6. That when a burial lot is sold or allotted by said company, the trustees, or a majority of them, shall execute to the purchaser a certificate thereof, under the seal

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of the company, which shall vest the purchaser with title; which certificate shall be recorded in the clerk's office of the Clarke county court, and the seal of the company being annexed to the certificate shall be a sufficient authentication to admit it to record; and for recording each certificate of title, together with his own official certificate appended thereto, the clerk of said court may charge a fee of twenty-five cents, and no more. All subsequent transfers shall be required to be proved or acknowledged and recorded in the manner required by the laws of this state in relation to the conveyance of real estate. The title to lots held by individuals, shall pass by sale, devise, or descent, as in case of other real estate, but they shall never be used for any other purpose than burial lots, and if applied to any other use, the title shall revert to the company.

Title may pass
by sale or other-
wise.

§ 7. That the proceeds of sales of lots, and all money that may come to the company from any other source, shall be applied in all time to come to the ornament and improvement of the grounds, the erection of the necessary buildings and inclosures, the payment of its incidental expenses, and to the purchase of additional grounds, if enough should not be secured in the original purchase. In the event of said company becoming the owner, by purchase, gift, or devise, of the Friendship church lot in Clarke county, the trustees, or a majority of them, may, in their discretion, sell and convey any portion of said lot not occupied as a grave-yard, and apply the proceeds of such sale to the purchase of other ground adjoining the same.

How proceeds
to be expended.

§ 8. That it shall and may be lawful for the corporate authorities of the town of Winchester, and for the county court of Clarke county, to subscribe to the stock of said company, to an amount not exceeding one hundred dollars each, and in the event of such subscriptions being made, it shall be the duty of said company to assign to them proper lots according to the amounts by them respectively subscribed, and give certificates of title therefor; and said lots so assigned and conveyed, shall be forever set apart as a place of burial for paupers, strangers or sojourners who may die within the county of Clarke, and to all such the same respect shall be paid as to those who may be the owners of lots; and the money to pay such subscriptions shall be raised by said county court and town authorities in the same manner in which they raise their town and county revenue. It shall also be lawful for Hickman Lodge No 72, of the Independent Order of Odd Fellows, Winchester Chapter No. 12, of Royal Arch Masons, and Winchester Lodge No. 20, of Free and Accepted Masons, each to subscribe for and hold stock in said company to the amount of one hundred dollars, and upon such subscriptions being made, they shall be entitled to all the rights and privileges, and subjected to the same rules and regulations,

Who may and
how subscribe
for stock.

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Punishment
for injury done
property.

which may be adopted for the government of individual shareholders.

§ 9. That if any person shall forcibly and without lawful authority, violate any of the graves of the dead, or any vault which may be erected on the grounds of the company, or willfully deface any of the tombstones, monuments or inclosures; or willfully injure any of the ornaments, shrubbery, fixtures or buildings, or in any way damage the grounds or other property of the company, such person so offending, and those who may aid or abet therein, shall be liable to indictment for a misdemeanor, and upon conviction shall be punished by fine or imprisonment, or both, according to the discretion of a jury, and shall also be liable to the company in an action for damages to be tried by a jury in the Clarke circuit court, which damages, when recovered, shall be applied by the company to repair as far as possible the injury that has been done, and the residue to the general uses of the company. If a slave offend against the provisions of this section he shall in like manner be liable to indictment, and shall, upon conviction, be punished with stripes at the discretion of a jury.

Approved January 17, 1854.

CHAPTER 57.

AN ACT to amend the charter of Jamestown, in the county of Campbell.

Bonds may be
issued.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Jamestown, in Campbell county, be and they are hereby authorized to issue bonds to an amount not exceeding thirty-five hundred dollars, bearing an interest of ten per cent. per annum, for the purpose of paying off the amount due on the steam ferry-boat, built for and belonging to said town.

Tax may be
levied to pay the
bonds.

§ 2. That the board of trustees of said town be and they are hereby authorized to levy a tax of thirty cents on the one hundred dollars worth of property in said town, and are hereby authorized to collect the same, if necessary, by the usual process of law.

Corporate limits
may be extended.

§ 3. That said board of trustees be and they are hereby authorized to extend the corporate limits of said town, as agreed to by the proprietors thereof, viz: commencing at Fourth street and running south along the east side of Main street to Eighth street; thence along said Eighth street to Brooklyn line; thence with said line to the Ohio river; thence up said river to Clay street, and up Clay street to Fourth street.

Citizens may
elect a mayor
and marshal.

§ 4. That the citizens of said town are hereby authorized to elect, at such time, in such manner, and at such place as the trustees may deem proper, a mayor and marshal for said town; and the trustees of said town shall have power to appoint a street commissioner.

§ 5. That all fines imposed and collected by order of the trustees of said town shall go into the town fund for town purposes.

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Approved January 17, 1854.

CHAPTER 58.

AN ACT to incorporate the Christian Church in Cadiz, Trigg county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That L. Lindsay, Sr., J. L. Street, and A. S. Dabney, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of the Trustees of the Christian Church in Cadiz, Trigg county; and by that name to have perpetual succession, with power to sue and be sued, plead and be impleaded, so far as may be necessary to protect the rights, titles, property, privileges, possessions, and immunities of said church, which now or may hereafter belong to the same, and may purchase and hold all such real and personal estate as may be necessary for the use and accommodation of said church; to receive all necessary conveyances, and to sell, convey, and dispose of all such real and personal estate: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

Corporate name and powers.

§ 2. That whenever vacancies occur in the said office of trustee by reason of death, resignation, removal, or in any other way, said vacancies shall be filled by those remaining in office, and the person or persons so appointed shall exercise all the powers granted by this act.

Vacancies, how filled.

§ 3. That the sale of the fractional lot in the town of Cadiz, and the old church thereon erected, which was conveyed by deed to John L. Street and A. S. Dabney, as trustees for the use and benefit of said Christian church, and sold by them recently to raise means to build the present church, be and the same is hereby confirmed; and the said John L. Street and A. S. Dabney are hereby authorized and empowered to convey the title thereof, by deed to the purchaser, and acknowledge the same before the clerk of the Trigg county court, who shall thereupon record the same in his office, which shall be effectual to pass the title thereof.

Former conveyance confirmed.

§ 4. The general assembly hereby reserves the right to amend or repeal this act at pleasure.

Approved January 17, 1854.

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CHAPTER 59.

AN ACT authorizing the appointment of a County Treasurer for Boone county.

Treasurer to
be appointed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Boone county is hereby authorized and required, at as early a period as may be after the passage of this act, to appoint a county treasurer for said county, who may continue in office during the pleasure of said court, and who shall receive for his services such compensation as the court of claims may consider reasonable.

Oath of office.

§ 2. The said treasurer shall, immediately after his appointment and before he enters upon the discharge of the duties of his office, take the following oath, to-wit: "I do solemnly swear that I will well and truly, and to the best of my abilities, discharge the duties of county treasurer; that I will receive all moneys due to the county of Boone, keep an accurate account of the same, and pay out the same when regularly demanded, to those entitled to the same; and that I will render an accurate account of the business of my office, as required by law. So help me God." And the said treasurer shall also enter into covenant, with good and sufficient sureties to be approved by said court, to the commonwealth of Kentucky, conditioned for the faithful discharge of his duties as treasurer, and for the payment of all claims against him as such, as well for the payment and delivery to his successor in office, or to the order of said court, the moneys remaining in his hands as treasurer, together with all books, records, and papers pertaining to said office.

Official covenant.

His duties.

§ 3. It shall be the duty of said treasurer to receive from the sheriff and other collecting officers, all moneys due to said county, and to disburse the same to such person or persons as have claims against said county allowed by said court, and to perform such other acts in relation to the collection and disbursement of the county dues as the court may prescribe, and to keep, in a book to be furnished by the court for that purpose, a fair statement of the moneys received and disbursed, and report to the court a full and fair statement of the moneys so received and disbursed, and upon what account, at their terms in the months of March, June, September and December.

Sheriff to pay
over to treasurer.

§ 4. That it shall be the duty of the sheriff of said county, immediately after the appointment and qualification of the treasurer herein provided for, to settle his accounts as collector and disbursing officer of the county levies and road funds of said county, and pay over forthwith to said treasurer any balance in his hands, or which ought to be in his hands, on account of county levies or road funds. It shall also be the duty of said sheriff to pay over to said treasurer, on the last Saturday in each and every month, all moneys by him collected for said county, and obtain his

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receipt therefor; and said sheriff shall, before he proceeds to collect the road funds, or levies of said county, in addition to the oath now required by law, take an oath in open court well and truly to report and pay over to said treasurer, monthly, as aforesaid, all moneys by him or them collected for the benefit of said county.

§ 5. That it shall not be lawful for the sheriff or any collector of said county to pay off any claim against said county to any person but said treasurer; out of the moneys of said county, and he or they shall in no wise be liable for a failure so to do; and said sheriff shall be entitled to a commission of four per cent. on the amount of road taxes and levies he collects, which shall be in full for all services he may perform under the provisions of the road law of said county, or in the collection of the levies of said county.

And to him only.

§ 6. It shall be the duty of the county treasurer, immediately succeeding the court of claims in each year, to make out a report of the whole number of tithables listed in said county for that year, estimating what the whole would amount to, and deducting therefrom the delinquent list allowed by the court, and commissions allowed to the sheriffs and collectors for collecting, showing the whole amount actually collected in each year for the use of said county, and what part thereof was collected for road purposes, and what part for the ordinary expenses of the county, what part remains in the hands of the sheriffs and collectors, and what part in his own hands, which report shall be delivered to the county attorney for said county, who shall, if he approve the manner in which said officers have discharged their duties, lodge the same with the clerk of the court; and if either of said officers shall be delinquent in the discharge of the duties of his office he shall proceed against him for such delinquency according to law.

Treasurer to settle with court

§ 7. That for a breach of the conditions of the covenants of the treasurer or sheriff, suits may be brought in the circuit or county court, or before a justice of the peace, in the name of the commonwealth of Kentucky, for the use and benefit of the county of Boone, or any person or persons aggrieved thereby, against said treasurer and his security or securities, or either of them, jointly or severally, or against the heirs, executors, or administrators, or either of them, jointly or severally; on the same terms and conditions as in other cases of official bonds executed by public officers; and in case said treasurer shall fail to pay any county claimant or creditor, after due demand, any sum levied for him, her, or them, and which sum may then be due and owing, he and his sureties shall be subject to a judgment before a justice of the peace, or in the circuit or county court, either jointly or severally, by motion upon ten days notice previously thereof; and if it shall appear

Official bonds may be put in suit.

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to the court or justice, on trial of such motion; that at the time of the demand of such claim or claims the treasurer had money of the county in his hands sufficient to pay off and discharge said claim or claims, the court or justice of the peace, by their judgment, shall adjudge to the plaintiff the amount of said claim and twenty per cent. thereon as damages, and the costs of the motion: *Provided*, the circuit court shall not have jurisdiction unless the amount sued for shall be one hundred dollars or over, nor shall the county court have jurisdiction where the sum is one hundred dollars or over, or less than twenty five dollars, nor a justice of the peace where the sum is over fifty dollars, and the clerk or justice shall indorse on any execution issued on such judgment, "no security of any kind shall be taken:" and *provided further*, that said motion shall not be made at any time after two years from the time at which said claim was allowed by the court.

Defendant may
be called to an-
swer on oath.

§ 8. That upon the trial in court, or before a justice of the peace, the plaintiff shall have the right to call the defendant or defendants to answer upon oath touching his or their indebtedness to the county, or the amount of county revenue in his hands when the demand was made; and either party aggrieved shall have the same right to appeal, under the same rules and regulations, as are allowed in other cases by existing laws.

§ 9. That after the sheriff or any collector of said county shall have returned his delinquent list, and shall have been allowed a credit therefor, it shall not be lawful for him afterwards to collect from any delinquent so returned, any sum on said list which shall be owing to said county.

Delinquent list
to be returned.

§ 10. Immediately after the sheriff or collector of said county shall have returned his delinquent list, it shall be the duty of the clerk of the county court to make out a copy of the same, and hand the same to the county treasurer, who shall make out a list showing the amount each delinquent is due the county, which list he shall sell or put into the hands of any constable or constables of Boone or any other county, and take his or their receipt therefor; and it shall be the duty of said constable to collect the same by distress or otherwise, or by enforcing the lien upon property allowed by law, and to pay over the money so collected to the county treasurer.

Sheriff's bond
to be annually
renewed.

§ 11. The sheriff or collector shall at the January, February, or March term in every year, execute covenant to the commonwealth of Kentucky, with good and sufficient sureties, to be approved by the court, in form substantially as follows: "We, A B, sheriff of Boone county, and C D and E F, his sureties, jointly and severally bind and oblige ourselves to the commonwealth of Kentucky, that the said A B, as sheriff, shall well and truly collect, account for, and pay over to the county treasurer, according to law,

the county levies and all taxes, levies, and other sums appropriated to road purposes in said county, for the year ———; and that he shall, when called upon by the county treasurer, settle his accounts and pay over the amount, if any, of the public money in his hands, or which ought to be in his hands, belonging to said county; and that the said A B shall in all things well and truly demean himself, and perform the duties of collector of the county levy, and all taxes and other sums appropriated to road purposes in said county. Witness our signatures this ——— day of ———, 18——.

1854.

Approved January 17, 1854.

CHAPTER 60.

AN ACT to incorporate the Covington Locomotive and Manufacturing Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Alexander L. Greer, David A. Powell, Julius Brace, and Matthew McMurtry, and the survivors of them, and all such persons as may hereafter be associated with them or the said survivors, their successors and assigns, shall be and are hereby made a body corporate, under the name of the Covington Locomotive and Manufacturing Company; and by that name shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts and places whatsoever, for the purpose of manufacturing all kinds of locomotive engines for railroads, and such other engines, machinery, brass, iron, and copper implements and wares as they may deem proper, and to sell and dispose of the same at pleasure; may erect buildings and machinery for such manufacturing purposes, to be moved by steam or other power, on any lands in the city of Covington, which are now or may hereafter be owned by said company; may in their corporate capacity and name make and execute to any person or persons, or body corporate or politic, any and all writings, notes, bonds, or mortgages on real or personal property belonging to said company in the due prosecution of their business, or as security for the loan of money borrowed by or due from said company, to any person or persons or body corporate; and may have and use a common seal, change, alter and renew the same at pleasure.

Corporators' names.

Corporate name and powers.

§ 2. The said corporation hereby created may be capable to acquire, purchase, receive, have, hold, and enjoy, and again to sell or otherwise dispose of such personal and real estate, not exceeding ten acres, as may be necessary or useful for said corporation to carry on the manufacturing operations before mentioned, and such other real estate as shall have been, bona fide, mortgaged or

Further powers.

LAWS OF KENTUCKY.

pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sale upon judgments which shall have been obtained for such debts or liabilities.

Directors.

Term of office
and when elect-
ed.

Directors to
appoint the off-
icers.

§ 3. The stock, property, and concerns of said corporation shall be managed and conducted by a board of not less than three nor more than nine directors, being stockholders, one of whom shall be president, who shall hold their offices for one year, and the said directors shall be chosen on the first Monday in July each and every year, at such place and time as shall be directed by the by-laws of said corporation; and public notice thereof shall be given not less than ten days previous, in one or more newspapers printed in the city of Covington; and each stockholder shall at such election be entitled, in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said corporation; and the persons having or receiving in such elections the greatest number of votes, and being stockholders, shall be directors, and the directors chosen at one election shall be capable of serving by virtue thereof until another election shall have been had; the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and all vacancies occurring by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be chosen, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint for that purpose; the said Alexander L. Greer, David A. Powell, Julius Brace, and Matthew McMurry, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in July next, and until others are legally chosen.

Capital stock.

May be extend-
ed.

§ 4. The capital stock of said corporation shall not exceed the sum of three hundred thousand dollars, which shall be divided into such shares and transferable in such manner as the by-laws of said corporation may prescribe; but so soon as fifty thousand dollars of the said capital stock shall have been subscribed and paid, it shall be lawful for said corporation to commence their said business, or any part of it, and with that capital to conduct and carry it on until they shall deem it expedient to extend the same. It shall be lawful for the directors of the said corporation, or a majority of them, from time to time, to call for and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose by

public notice previously published for the space of thirty days, in one or more newspapers printed in said county, designating the proportion of such payment per share, and the time and place when and the officer to whom the same shall be required to be made.

§ 5. The books for subscription to said stock shall be opened in the city of Covington, and remain open until the sum required shall be subscribed, or for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose.

When books
to be opened.

§ 6. The stock and property of said corporation, of whatsoever nature or kind, shall be deemed personal estate, and that no dividend shall be made to and among the stockholders except from and out of the actual net profits of the said corporation.

§ 7. In case it should at any time happen that an election shall not be made upon the day designated by this act for that purpose, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other days as shall be prescribed by the by-laws of the said corporation.

§ 8. A majority of directors for the time being shall form a board for the transaction of the business of the said corporation, and shall have power to make and enforce such by-laws and regulations as they shall deem expedient for the government, management and disposition of the stock, effects, profits and concerns of the said corporation: *Provided*, that the same are not contrary to the constitution or laws of the United States, or of this state.

By-laws to be
made.

§ 9. The directors shall at all times keep or cause to be kept proper books, in which shall be regularly entered all transactions and business of the said corporation.

§ 10. The said corporation may be dissolved at and by a general meeting of the stockholders, specially summoned for that purpose: *Provided*, that at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution the directors for the time being, and the survivors of them, shall be trustees for the settling the affairs of the said corporation, disposing of its effects, recovering its claims, and paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock, unless the stockholders, at such general meeting shall appoint other persons, not less than three nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors of them, shall be trustees for the purpose aforesaid.

How corpora-
tion may be dis-
solved.

§ 11. This act shall, unless the corporation be dissolved as above provided for, continue in force for the term of thirty years from the time of its passage.

Approved January 23, 1854.

1864.

CHAPTER 61.

AN ACT to incorporate the town of Dukedom, in Graves county.

Plat of town
to be recorded.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court clerk for Graves county is directed to record the plan of the town of Dukedom, when presented to him by the trustees of said town hereinafter appointed; and when said plan shall have been recorded, the boundary laid down therein shall be known by the name and style of the town of Dukedom.

Trustees named,

§ 2. That Robert Wallis, William Taylor, J. W. Willingham, S. G. Williams, and James Perry are hereby appointed trustees, who shall continue in office until the first Saturday in September, 1864, and until their successors are duly elected; and at the expiration of their time, it shall be lawful for the citizens of said town, under the superintendence of the trustees or a majority of them, whose duty it shall be to give ten days notice of the time and place, to proceed to elect five trustees for said town, who shall remain in office one year, and until their successors are elected and duly qualified.

Election of
trustees.

§ 3. That an election for trustees shall be held on the first Saturday in September in every year, and when a vacancy may occur, from any cause, the board of trustees shall have power to fill the same until the next annual election for trustees.

Who may vote.

§ 4. That every free white male person, of the age of twenty-one years, being a resident of said town, or holding title to real estate therein, shall be entitled to vote for trustees.

Powers of
trustees.

§ 5. That the trustees shall have power to make rules and enact such by-laws for the government of said town, as they may deem necessary: *Provided*, they are not contrary to the constitution and laws of this state. Said trustees shall have power to inflict a fine not exceeding five dollars for every breach of the by-laws, to be sued for and recovered in their name, before any justice of the peace in Graves county, to be applied by them to the use of the town.

May levy tax.

§ 6. That the board of trustees shall have power to levy a tax upon all shows and exhibitions in said town, or within one mile of the limits thereof, not exceeding ten dollars for every twenty-four hours such show or exhibition may remain or be kept open in said town or its limits.

Other officers.

§ 7. That the board of trustees may appoint a clerk, and treasurer; and it shall be the duty of the clerk to keep a fair record of all the proceedings of the board, which shall be open for the inspection of any person desiring to see the same; and the board may make a reasonable allowance to the clerk for his services, out of any funds which may come into their hands under the provisions of this charter.

§ 8. That the treasurer shall receive moneys collected, and pay the same to the order of the board, and he shall give bond and security for the faithful performance of the duties required of him. A majority of the board shall constitute a quorum for the transaction of business.

§ 9. This act shall be in force from its passage.

Approved January 23, 1854.

1854.

Duties of treasurer.

CHAPTER 62.

AN ACT for the benefit of Lucien S. Luttrell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, entitled, an act to incorporate the Helena and Mayslick turnpike company, approved 10th February, 1851, as compels Lucien S. Luttrell and those living with him on his farm, as tenants or otherwise, and all those who may live hereafter thereon, to pay the road tax assessed against him or them to the president and directors of the Helena and Mayslick turnpike road company, be and the same is hereby repealed; and all such road tax as may hereafter be assessed against or upon the property of said Luttrell, or those living with him or upon his farm as tenants, or otherwise, or who may hereafter reside thereon, shall be paid in the manner and to the persons now provided by law for working the public roads in said county.

Approved January 23, 1854.

CHAPTER 63.

AN ACT authorizing Daniel Breck Jr., and F. A. Ramsey to build a dam across the North Fork of Kentucky River.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Daniel Breck, Jr., and F. A. Ramsey be and they are hereby authorized and permitted to build across the North Fork of the Kentucky river, in Breathitt county, opposite the town of Jackson, a dam, so that said dam shall not exceed three feet in height above low water mark, with a suitable slope or gate, or other opening to permit the passage, in low water, of canoes and other small craft, and permit ordinary navigation upwards and downwards, upon reasonable application or notice at the mill of said Breck and Ramsey.

May build a dam on condition.

§ 2. That all acts or parts of acts, inconsistent with the provisions of this act, so far as the same may conflict herewith, are hereby repealed.

§ 3. The general assembly hereby reserves the right to alter, amend or repeal this act.

Approved January 23, 1854.

CHAPTER 64.

AN ACT to change the line of voting districts Nos. 5 and 6, in Lawrence county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act the voting districts Nos. 5 and 6, in Lawrence county, shall be altered and bounded as follows, to-wit: Beginning at the head of the left hand fork of Little Blain, near the top of the ridge where the path crosses the ridge between the widow Thompson's and Basil Hays'; thence running round the ridge between the left hand fork of Little Blain and George's creek, to the head of the Steep Gut branch of the waters of Big Sandy river; thence round the ridge between the left hand fork of Little Blain and Big Sandy river, to the head of Lick creek; thence a straight line to Richard Thompson's, there to intersect the original line of No. 5; thence with said line to the beginning.

Approved January 23, 1854.

CHAPTER 65.

AN ACT to establish an additional Justice's District in Bracken county.

District No. 6
established.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be and is hereby established an additional magistrates' district and voting precinct, No. 6, in the county of Bracken, bounded as follows: Beginning at the intersection of the Mason and Nicholas county lines; thence with the Mason county line to the North Fork; thence with the North Fork to the mouth of Salt Lick creek; thence on a straight line to the Harrison county line, so as to include the farm of Archibald Dixon; thence with the Harrison county line to the Nicholas county line; thence with the Nicholas county line to the beginning; the same being a portion of Germantown district, No. 4, and North Fork, or Santa Fe district, No. 5.*

Election to be
held.

§ 2. *It shall be the duty of the presiding judge of Bracken county to appoint proper officers to hold an election for two justices of the peace and one constable, at Mount Olivet, for said district, at the time of the next general election; and said officers shall also conduct the election of other officers who may be voted for at the said general election.*

Voting place.

§ 3. *Mount Olivet is hereby established as the voting place for the above precinct, subject to be changed by the presiding judge, upon the petition of a majority of the legal voters of the precinct.*

Approved January 23, 1854.

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CHAPTER 66.

1854.

AN ACT to establish an additional Justices' District in Graves County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional justices' district be and the same is hereby established in the county of Graves, to be designated as district No. 9, and which is laid off and to be known as follows: to take two miles off the north end of district No. 3, and four miles and a half off the south end of district No. 4; and to arrive at this the line is to commence and run as follows: commencing on the county line, at the southeast corner of section 24, township 2, and range 2 east; thence west with said section line to range line No. 2; thence north with said line to where the road leading from Mayfield to Caber's mill crosses; thence eastward with said road to the widow Walker's; thence with the road that leads to McDonald's store to the Calloway county line; thence south to the beginning; and that the place of voting in said district shall be in the town of Farmington: *Provided however,* that no election for justices of the peace and constable shall be held in said new district until the next regular election for those officers: *and provided further,* that nothing herein contained shall be construed to interfere with the present districts or officers thereof, until the time of said regular election.

Approved January 23, 1854.

CHAPTER 67.

AN ACT for the benefit of J. W. Haws, late sheriff of Lawrence county.

WHEREAS, it is represented to the general assembly of the commonwealth of Kentucky, that John W. Haws, late sheriff of Lawrence county, failed to return his delinquent list for the year 1851, for which failure a judgment was rendered against him, to release him against which both branches of the legislature passed an act, but from some cause the bill was not signed by the governor. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts be and he is hereby directed to allow John W. Haws, late sheriff of Lawrence county, the sum of thirty-seven dollars and forty-six cents, on a settlement of the revenue collected by him as sheriff as aforesaid for the year 1853; and if the said sheriff shall have paid his full revenue for 1853, the said auditor is hereby directed to cause to be paid to said Haws the sum aforesaid, out of any money in the treasury not otherwise appropriated.

Approved January 23, 1854.

1854.

CHAPTER 68.

AN ACT to incorporate the Montrose Law College of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the foundation called the Montrose Law College shall be a corporation, and by this denomination is vested with all the faculties of every other foundation of learning in Kentucky. The only superior corporation is its founder, Thomas B. Monroe, L. L. D. and the sole agency of the corporation is in him, and shall be continued in his successor nominated by his deed or testament, and thus on continually after every succession. It has power to organize within it the several departments proper to its object—inns of chancery, inns of court, and schools of rhetoric and logic, of history, and of the several divisions of jurisprudence—and by its diplomas to confer the degrees of bachelor, of barrister, and of sergeant at law. The degree of barrister conferred with the approbation of two judges of the supreme court of Kentucky, after the examination and proof of the qualifications now required, shall entitle the graduate to admission to the bars of all the courts of the state. The diplomas conferring degrees, the acts of the corporation under its seal establishing departments, and the acts of the regent appointing his successor, shall be registered in the public library of the state by the librarian in proper books provided for him by the regents.

Approved January 23, 1854.

CHAPTER 69.

AN ACT to exclude Crab Orchard Springs from the limits of Crab Orchard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the "Crab Orchard Springs," now owned and occupied by Jacob Harlan, in Lincoln county, be and the same is hereby excluded from the limits of the town of Crab Orchard, and not subject to the tax imposed by said town upon the residents and property of said town.

Approved January 23, 1854.

CHAPTER 70.

AN ACT for the benefit of Mary Cary and Maurice Deedy.

Whereas, Maurice Cary and Maurice Deedy purchased a certain tract of land, situated in the county of Lewis, containing three hundred acres, the said Cary paying for one hundred acres of said land, and the said Deedy paying for the remainder: and whereas, the said Maurice Cary, who was never naturalized as a citizen of this common-

1854.

wealth, departed this life intestate, leaving his widow, Mary Cary, his only heir, and before the necessary conveyance of title could be made to said land; and whereas, the statute vests the title of said land in the commonwealth, in such cases. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That this commonwealth hereby releases all her rights, title, interest and claims in and to said land of whatever character and kind to said Mary Cary; and John Duncan, as commissioner of the Larue circuit court, is hereby directed to convey said land by deed to the said Mary Cary and Maurice Doody.

Approved January 23, 1854.

CHAPTER 71.

AN ACT for the benefit of S. M. Leeman, late Sheriff of Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That S. M. Leeman, late sheriff of Graves county, be allowed until the first day of November, 1854, to return his delinquent list of muster fines, revenue, and county levy for 1852.

Approved January 23, 1854.

CHAPTER 72.

AN ACT for the benefit of John Friend, late Sheriff of Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Friend, late sheriff of Floyd county, and his deputies, be allowed the further time of two years, from and after the passage of this act, to collect their arrearages of tax, county levy, and fee bills in their hands for collection, for the years 1847 and 1848.

Approved January 23, 1854.

CHAPTER 73.

AN ACT to change the place of voting in district No. 1, in Bullitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting at William Green's, in district No. 1, in Bullitt county, be changed to the house of Christian Barrel, in said district, and that all elections hereafter in said district be held at the house of said Barrel.

Approved January 23, 1854.

1854.

CHAPTER 75.

AN ACT to amend the act establishing the town of Elkton, Todd county.

Former act
amended.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act amending the law establishing the town of Elkton, Todd county, Kentucky, approved January 20, 1843, be amended so as to confer the same power and jurisdiction on any justice of the peace in said county, that is conferred by said act upon justices of the peace residing in said town.

Constable to
execute process.

§ 2. That any constable in said county is hereby authorized to execute process and do all other acts within the limits of said town, in the same manner as is authorized by said act to be done by constables residing within the limits of said town.

Approved January 23, 1854.

CHAPTER 76.

AN ACT to change the State road from Hopkinsville to Morgantown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Christian county court be vested with full power and authority to change the state road known as the Butler road, leading from Hopkinsville to Morgantown, from a point known as the east end of Frazier's lane to Bright's old gate. In making said change the said court shall be governed by the requisitions of the general law upon the subject of changing roads.

Approved January 23, 1854.

CHAPTER 77.

AN ACT to authorize the Lawrence County Court to change voting districts in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act the Lawrence county court shall have full power and authority to alter or change any justices' or voting district in said county, on the petition of a majority of the legally qualified voters residing within the bounds of the proposed change: *Provided*, that no such alteration or change shall be made within sixty days preceding any election.

Approved January 23, 1854.

CHAPTER 78.

1854.

AN ACT to change the line of Justices' and Constables' districts Nos. 3 and 5, in Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the line dividing the justices' and constables districts Nos. 3 and 5, in Taylor county, be, and the same is hereby so changed, as to include the residences of Samuel Wise, William Minor, J. G. Newcomb, Joseph Abell, James Reynolds, J. M. Newcomb, William Sparling, Aaron Puryear, Ephram Ridge, and James Railey in district No. 3, in said county.

Approved January 23, 1854.

CHAPTER 79.

AN ACT for the benefit of L. B. Goggin.

WHEREAS, it appears that L. B. Goggin, late sheriff of Mason county, by order of the judge of the Mason circuit court, paid the board and attendance of a jury in the case of the commonwealth against Patton, for felony, amounting to thirteen dollars, and that there is no provision by law for refunding to him the said sum. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of thirteen dollars be paid to L. B. Goggin, out of any public money not otherwise appropriated.

Approved January 23, 1854.

CHAPTER 80.

AN ACT for the benefit of the Sheriff of Kenton county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Phil. L. Brown, sheriff of Kenton county, be and he is hereby allowed until the first day of March, 1854, to pay in his revenue for the year 1853.

Time allowed.

§ 2. That this act shall not prevent judgment being obtained for the amount of the revenue that he may be in arrear; but if the revenue be paid in accordance with this act, all damages and interest shall be remitted, and execution shall be stayed until the 2d day of March, 1854: *Provided however,* that before this act shall go into effect the surties of said sheriff shall appear in the county court of said county and enter of record their consent to the indulgence hereby granted.

Upon certain conditions.

Approved January 23, 1854.

1883.

CHAPTER XL.

AN ACT to incorporate the Bloomfield and Springfield Turnpike Road Company.

Company formed.

Corporate name and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be and the same is hereby established, with a capital of fifty thousand dollars, to be divided into shares of fifty dollars each, for the purpose of constructing a Macadamized or gravel turnpike road from the town of Bloomfield, in the county of Nelson, to Springfield, in the county of Washington, under the name and style of the Bloomfield and Springfield Turnpike Road Company, and as such shall be competent to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places within this commonwealth; with power to acquire, hold, possess, use, and occupy all such real and personal estate as may be necessary and convenient for the site or route of said road; for piers and abutments of all such bridges as may be requisite on said road, and lots for toll-houses, and the residences of gate keepers on said road; also all necessary stone, gravel, sand, timber, and earth for the construction and repair of said road; and to have and use a common seal, and alter or renew the same at pleasure; to make and ordain all such by-laws, rules, and regulations as may be necessary for the construction or repair of said road, and the management of its prudential and financial concerns, not contrary to the constitution and laws of this commonwealth, or of the United States.

Description of road.

§ 2. That the width of said road shall not, at any point where it will admit of it, be less than forty nor more than sixty feet, and the artificial or metalled part thereof shall not be less than eighteen feet wide, and the graded part not less than twenty four feet wide, and that said grade shall not exceed three degrees, and that the streams shall be bridged.

Names of commissioners.

§ 3. That Spence Minor, H. E. Stone, Ludwell McKay, J. D. Stone, Green Duncan, John R. Jones, David Degan, James Bascom, Benjamin Pile, L. W. Houdley, Charles Grundy, D. G. Walker, L. J. Smith, and H. & A. McElroy, be and they are hereby appointed commissioners to open books for the subscription of stock aforesaid, at such times and in such places as any three or more of said commissioners may deem expedient; and whenever twenty thousand dollars of said stock shall have been subscribed, said commissioners, or any three or more of them, may call a meeting of the stockholders at such time and place as they may deem convenient and proper, having first advertised in the newspaper having the most general circulation in the counties through which said road is to pass, the time and place; and the stockholders, in pursuance of said

call, shall proceed in person or by written proxy, to choose a president and seven managers, in whom shall be vested all the powers of the corporation for the construction and management of the prudential and financial concerns of said road. That each share of stock, to the number of twenty, shall entitle the owner thereof to one vote, and every two shares over twenty shall entitle the owner to one additional vote; and after the board is thus organized an annual election shall be held on the first day of April in each year, and until their successors are elected and qualified; and no person shall be eligible to the office of president or manager without being a stockholder, and shall vacate his office on ceasing to be one. The president and managers for the time being may supply any vacancy occurring in their own body from any cause; and whenever an annual election shall not be held at the time prescribed in this act, the president and managers may direct an election to be held on any other day they may think fit.

1854.

Managers elected.

Annual election.

§ 4. That the president and managers of the Bloomfield and Springfield turnpike company shall be vested with all the powers, authority, immunities, tolls, privileges, and advantages, in all and every respect, that are now vested in and by law granted to the Bloomfield and Fairfield turnpike road company, subject to the like restrictions and limitations, as if introduced and repeated herein, except so far as they are altered and modified by this act.

Powers of the managers.

§ 5. That the president and managers, at any time after the organization of said company, may again open the books for subscriptions, or sell the residue of the stock, or so much thereof as they may deem proper, but not at not less than par. They shall have four years from the passage of this act in which to organize said company and commence the work, and ten years in which to complete it; and it shall be lawful for the Bloomfield and Fairfield turnpike company to make a joint stock with the Bloomfield and Springfield turnpike company, provided said Bloomfield and Fairfield company desire so to do.

Books may be re-opened.

§ 6. That whenever said Bloomfield and Springfield turnpike company shall have finished five miles of said road consecutively, they shall be entitled to erect a gate, to receive tolls, with all the privileges respecting tolls now vested in the Bloomfield and Fairfield turnpike company: *Provided*, that said company shall not erect a gate for toll nearer than one half mile from the towns of Springfield and Bloomfield.

May erect toll gates.

Approved January 23, 1854.

1854.

CHAPTER 82.

AN ACT for the benefit of Robert Thompson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Robert Moore, executor of Jos. Smith, deceased, who was guardian of Robert Thompson, of Hickman county, to pay or deliver over to said Thompson any money or property in his hands as such fiduciary; and upon the receipt of any money or property so paid or delivered over to him, it shall and may be lawful for the said Robert Thompson to execute and deliver to the said Robert Moore, executor as aforesaid, a receipt for the same, which, when so executed and delivered, shall be as binding and obligatory upon him, the said Robert Thompson, as if executed by him when of full age.

Approved January 23, 1854.

CHAPTER 83.

AN ACT for the benefit of William Jones and others.

WHEREAS, William Jones, of Laurel county, Kentucky, intermarried with one Peggy Westerfield, of said county, who, at the time of said marriage, was the widow of William Westerfield, deceased: and whereas, said Peggy, at the time of her marriage with said Jones, had four children by said Westerfield, who are now living: and whereas, said Jones is desirous of making said children, to-wit: William J. Westerfield, Mary Jane Westerfield, John H. Westerfield, and James C. W. Westerfield, his heirs, and capable of inheriting his estate. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William J. Westerfield, Mary Jane Westerfield, John H. Westerfield, and James C. W. Westerfield, of Laurel county, be and they are hereby declared to be the legal heirs of William Jones, of said county, and as capable of inheriting said Jones' estate as if they were his legally begotten children, hereby vesting them with all the rights, in every way, that lawful born heirs would have.

Approved January 23, 1854.

CHAPTER 84.

AN ACT to incorporate the Lafayette Hotel Company of Covington.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be and is hereby created and established, in the city of Covington, a corporation by the name and style of the Lafayette Hotel Company, of Covington; and by that name shall be a body corpor-*

ate and politic, may sue and be sued, contract and be contracted with, and have and use a common seal, and the same to alter and renew at pleasure; purchase, hold, sell, and convey all such personal and real estate as shall be necessary for its legitimate purposes, and no other: *Provided*, said corporation may receive conveyance of such property as may be found necessary to secure any debt due it, or which may be sold under execution or decree in its favor.

§ 2. The capital stock of said corporation shall be fifty thousand dollars, which the directors may increase to an amount not to exceed two hundred thousand dollars, divided into shares of fifty dollars each. James Southgate, M. M. Benton, Daniel Mooar, John W. Finnell, Robert Simmons, and W. B. Kinkead are hereby appointed commissioners for said corporation, to open books and obtain subscriptions of stock. They shall advertise the time and place of opening books, in such papers as they may think proper. When not less than two hundred shares shall have been subscribed, said commissioners, or any three of them, shall appoint and superintend an election of six directors, who shall hold their office until others are elected. They shall give ten days notice, in the newspapers, of said election, each stockholder being entitled to one vote on each share held. The annual election shall be held on the first Monday in April of each year.

§ 3. There shall be paid on each share, to the commissioners at the time of subscribing, five dollars, and the balance in such installments as the directors may direct, until the whole stock shall be paid, when certificates of stock shall be issued therefor.

§ 4. The directors shall elect one of their own body president, who shall preside at their meetings, and sign all obligations, bonds, and conveyances which may be directed by the board. They shall also appoint a secretary and such other officers and agents as they may deem proper, and define their duties. They shall have power to make all necessary by-laws and rules for the government of said corporation.

§ 5. The business of said corporation shall be to erect in the city of Covington a hotel building and out-houses, furnish, rent, lease, sell, or keep and manage the same, upon such terms and conditions as they may think proper.

§ 6. That the city of Covington is hereby empowered to subscribe for stock in said corporation to an amount not exceeding one hundred thousand dollars, and may issue bonds of the city in payment therefor, bearing interest at the rate of six per cent. per annum, payable annually, or semi-annually, at such place or places as the city council shall direct, for one thousand dollars each, with coupons attached: *Provided*, a majority of the legal votes given at any time directed by the council shall be in favor of such

Capital stock.

Commissioners appointed.

Election of directors.

Mode of payment.

President's duties.

City of Covington may subscribe stock.

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subscription. The council shall have power to provide for the payment of the interest aforesaid; and the said company may hold, sell, hypothecate, or otherwise dispose of said bonds, on such terms and rates, at such times and places, as shall be deemed proper.

Approved January 23, 1854.

CHAPTER 85.

AN ACT to change the state road from Gray's Ferry to Columbus, and from Canton to Egner's Ferry.

Marshall county court may change state road.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Marshall county court be vested with full power and authority to change that part of the state road leading from Gray's ferry, on the Tennessee river, to Columbus, by the way of Mayfield, leaving the present road at or near Davis' cross roads, crossing the west fork of Clark's river above Baker's mill, and intersecting said road at or near Davis' race paths. In making said change the said court shall be governed by the requisitions of the general law upon the subject of changing roads.

Trigg county co't may change state road.

§ 2. That the Trigg county court be vested with the same authority, under like restrictions and regulations, to alter that part of the state road between Canton and Egner's ferry, on the Tennessee river, commencing the said alteration opposite the house of Morgan Miller, in said county, and running thence ten feet north of and parallel with the present road to the line between the said Miller and C. C. Bogard.

Approved January 24, 1854

CHAPTER 86.

AN ACT for the benefit of John Cardwell.

WHEREAS, it appears that by an order of the Breathitt circuit court, made at its May term, 1853, the sheriff of Breathitt county was directed to deliver to John Cardwell, jailer of said county, James Tyree, a lunatic going at large to the great terror of the good citizens of said county, who had escaped from the asylum in Lexington, and the managers thereof failed to reclaim him, and that said sheriff did deliver said James Tyree to said Cardwell, who kept him in the jail of Breathitt county for 151 days, and furnished him with clothing to the amount of four dollars and fifty cents, which was ordered by the judge of said court, and ordered to be paid by the auditor of public accounts, which he refused to do, as there was no law authorizing him to do so: Therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts is hereby directed to draw his warrant on the treasurer in favor of John Cardwell, for the sum of fifty-nine dollars eighty cents, that being the amount allowed him as aforesaid, and for keeping said lunatic after said allowance, to be paid out of any money in the treasury not otherwise appropriated.

Approved January 24, 1854.

CHAPTER 87.

AN ACT to amend an act, entitled, an act to incorporate the several Masonic Institutions of Louisville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That for purposes of benevolence and charity, and the completion of their temple now commenced, the Masonic Fraternity of Louisville, as chartered by an act, entitled, an act to incorporate the several masonic institutions of Louisville, may take and hold by gift, devise, or purchase, any property, real, personal, or mixed, and shall have the power to mortgage, sell, transfer, or donate the same at pleasure.

May purchase and hold real and personal estate.

§ 2. That said masonic fraternity may issue their bonds, bearing an interest at a rate not exceeding ten per cent. per annum, and payable at such times and places, and in such sums as they may designate, and may sell said bonds: *Provided*, the amount shall not exceed in the aggregate the sum of one hundred thousand dollars; and such sums so obtained as they may not have immediate use for, they may loan for terms not longer than six months, at the same rate of interest as their bonds sold may bear interest, or for a less interest, but not for a greater. Said bonds shall be signed by the chairman of the board of finance; and notes or bonds taken to said fraternity shall be given to the corporation in their corporate name.

May issue their bonds and borrow money thereon.

§ 3. That the said fraternity shall have power to purchase ground suitable, and erect thereon an asylum for indigent masons, their widows and orphans, and to manage and control the same.

May erect an asylum.

§ 4. That the said masonic fraternity of the city of Louisville, and those who may have taken stock in the new masonic hall, together with such other subscribers as may take stock therein, may constitute a savings institution, to be called the Masonic Savings Institution, of Louisville, and by such designation may have the same corporate powers as are given the Franklin Savings Institution, incorporated by an act approved March 1, 1850. The books shall be opened by the board of finance; the shares shall be twenty-five dollars each, and the said savings in-

May establish a savings institution.

Corporate name

1854.

Dividends.

stitution may go into operation whenever four thousand shares are subscribed, and two dollars on each share paid in. The dividends to the stockholders shall not exceed ten per cent. per annum; and if the profits in any year exceed that per cent. the surplus shall be given to said masonic fraternity, in aid of the buildings and charities contemplated by this act. The said masonic fraternity may purchase, as it may be able, all the stock in said institution.

§ 5. The general assembly shall have the power to alter or modify this charter; and said charter, so far as it creates a savings institution, is limited to twenty years from the date of its organization.

Approved January 24, 1854.

CHAPTER 88.

AN ACT to amend an act, entitled, an act for the benefit of Robert Thompson, of Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act for the benefit of Robert Thompson, of Hickman county, passed at the present session of the general assembly, be so amended as to read Romelius Thompson wherever the words Robert Thompson occur in said act.

Approved January 27, 1854.

CHAPTER 89.

AN ACT for the benefit of George May, of Hardin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the presiding judge of the Hardin county court shall have jurisdiction, by his warrant, to order the jailer of Hardin county to bring before him, at such time as he may appoint, George May, now confined in the jail of said county, charged with felony, and shall hold an inquest as to said May, to ascertain if he be a lunatic; and the jury shall ascertain all such facts as in cases of other lunatics are required to be ascertained; and if he be found a lunatic, said judge shall order him to be conveyed to the eastern lunatic asylum, the officers of which shall receive him, and shall not for any cause refuse to do so. In case of the restoration of said May, then the said officers shall retain him in custody and deliver him to the sheriff of Hardin county, to be dealt with as other persons charged in a similar manner.

Approved January 27, 1854.

LAWS OF KENTUCKY.

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CHAPTER 20.

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AN ACT to incorporate the trustees of the Theological Seminary, under the care of the General Assembly of the Presbyterian Church of the United States of America, at Danville, in the State of Kentucky.

Corporators' names.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Charles Henderson, J. T. Boyle, Jas. S. Hopkins, Charles Caldwell, J. S. Berryman, Peter R. Dunn, Wm. Thompson, Mark Hardin, W. C. Brooks, J. P. Curtis, Robert J. Breckinridge, Edward P. Humphrey, John C. Young, Robert C. Grundy, Wm. M. Scott, Wm. L. Breckinridge, John Montgomery, and Robert Johnston, and their successors, duly elected and appointed in manner as is hereinafter directed, be and they are hereby made, declared, and constituted a corporation and body politic and corporate, in law and in fact, to have continuance by the name, style and title of "the trustees of the Theological Seminary, under the care of the General Assembly of the Presbyterian Church of the United States of America, at Danville, in the state of Kentucky;" and by the name, style, and title aforesaid, shall be able and capable in law to take, receive, and hold all and all manner of lands, tenements, rents, annuities, franchises, and other hereditaments, which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised, or otherwise conveyed, for the use of the Theological Seminary under the care of the General Assembly of the Presbyterian Church of the United States of America, located at Danville, in the state of Kentucky, or any other person or persons to the use of the said seminary, or in trust for the same; and the said lands, tenements, rents, annuities, liberties, franchises, and other hereditaments are hereby vested and established in the said corporation and body politic, and their successors, according to the original use and intent for which such devises, gifts, and grants were respectively made; and the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein as in and by the respective grants, bargains, sales, enfeoffments, releases, devises, and other conveyances thereof, is or are declared, limited, and expressed; also, that the said corporation and their successors shall be able and capable to purchase, have, receive, take, hold, and enjoy, in fee simple or of lesser estate or estates, any lands, tenements, rents, annuities, franchises and other hereditaments, by gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation, or devise, of any person or persons, bodies politic and corporate, capable and able to make the same; and further, that the said corporation and their successors may take and receive any sum or sums of money, and any portion of goods and chattels that have been given to and for the use of the Theological Seminary at Danville, or the directors thereof, or to any other person or persons, body po-

Corporate name & general powers.

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litic or corporate, in trust or for the use of the said seminary, or that hereafter shall be given, sold, leased or bequeathed to the said corporation by any person or persons, bodies politic or corporate, that are able or capable to make a gift, sale, bequest or other disposal of the same—such money, goods, or chattels to be laid out, and disposed of for the use and benefit of the aforesaid corporation, agreeably to the intention of the donors, and according to the objects, articles, and conditions of this act.

Misnomer or
defect cured.

§ 2. That no misnomer of said corporation and their successors shall defeat or annul any gift, grant, devise, or bequest to or for the use of said corporation, provided the intent of the party or parties shall sufficiently appear upon the face of the gift, will, grant or other writing whereby any estate or interest was intended to pass to or for said corporation.

Common seal.

§ 3. That the said corporation and their successors shall have full power and authority to make, have, and use a common seal, with such device and inscription as they may adopt, and the same to break, alter, and renew at their pleasure.

May sue and
be sued.

§ 4. That the said corporation and their successors, by the name, title and style aforesaid, shall be able and capable to sue and be sued, plead and be impleaded, in any court of law or equity in this state.

Make by-laws.

§ 5. That the said corporation and their successors shall be, and hereby are authorized and empowered to make, ordain, and establish by-laws and ordinances, and do everything incident to and needful for the support and due government of the said corporation, and managing the funds and revenues thereof: *Provided*, the said by-laws be not repugnant to the constitution and laws of the United States, to the constitution and laws of this state, or to this act.

Corporators
limited.

§ 6. That the said corporation shall not, at any time, consist of more than eighteen persons, at least nine of whom shall at all times be citizens of this state, whereof the General Assembly of the Presbyterian Church of the United States of America, at any meeting thereof held in the state of Kentucky, may change one third, in such manner as to the said General Assembly shall seem proper, and fill all vacancies then existing.

Powers of trustees.

§ 7. That the said corporation and their successors shall have power and authority to manage and dispose of all moneys, goods, chattels, lands, tenements, and hereditaments, and other estate whatsoever committed to their care and trust by the said General Assembly; and in such cases where special instructions for the management and disposal thereof shall be given by the said General Assembly, in writing, under the hand of their clerk, it shall be the duty of the said corporation to act according to such instructions: *Provided*, the said instructions shall not be

regugnant to the constitution of the United States, or to the constitution and laws of this state, or to this act.

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Meetings of the trustees.

§ 8. That six members of this corporation shall be a sufficient number to transact the business thereof, and to make by-laws, rules and regulations: *Provided*, that previous to any meeting of the board of corporation, for such purposes, not appointed for adjournment, ten days notice shall be previously given thereof, by the president or secretary, by advertisement in some newspaper published in this state, or by written notice, sent by mail to each member of the board of trustees; and said corporation shall and may, as often as they shall see proper, according to their rules and by-laws, choose out of their number a president, and vice-president, and secretary, and shall have power to appoint a treasurer and such other officers and agents as shall by the said corporation be deemed necessary, to which officers and agents the said corporation may assign such duties to be performed by them, and award such compensation for their services, and fix the tenure of their office, in such way and manner, as the said corporation shall direct.

§ 9. That the said corporation shall have the power and authority to take and receive a bond or bonds from the treasurer and other officers and agents, in such penalty and with such conditions as said corporation may prescribe.

Treasurer to give bond.

§ 10. That the members of the board of trustees of this corporation, before acting as such, shall each make and sign a declaration that each of them will truly and faithfully, to the best of his ability and skill, exercise the office and perform the duties of trustee under this act and the by-laws of this corporation; and in case of the refusal or neglect of any member of the board of trustees to make and sign such declaration and perform the duties of trustee aforesaid for more than one year, or decline the same, the board of trustees shall have power and authority to declare the said office of trustee vacant and fill the vacancy by appointment of some fit and proper person to said vacancy, who shall hold the same and remain in office until such vacancy shall be filled by the General Assembly of the Presbyterian Church, under the provisions of this act.

Declaration to be signed by trustees.

§ 11. That said corporation shall keep regular and fair entries of their proceedings, and a just account of their receipts and disbursements, in a book or books to be provided for that purpose, and shall, once in a year, exhibit to the General Assembly of the Presbyterian Church in the United States of America, an exact statement of the accounts and funds of the said corporation.

Record to be kept.

§ 12. That the board of trustees appointed by this act, and their successors, shall have no power to exercise any authority touching the course of instruction and study in said theological seminary, or the appointment of profes-

Trustees not to control course of study.

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sors or teachers in said seminary, their compensation, their tenure of office; and the course of studies in said institution shall remain under the exclusive power and control of the General Assembly of the Presbyterian Church of the United States of America, and of such person and persons as shall be appointed by the said General Assembly, from time to time; and the said corporation shall provide out of the estate, funds, or income thereof, in their keeping, control, and management, for the payment, from time to time, of such salaries, and compensation of professors and other teachers and officers of said seminary, as shall be allowed, directed, and established by said General Assembly at any of its annual meetings.

May purchase
grounds and e-
rect buildings.

§ 13. That the board of trustees appointed by this act of incorporation, and their successors, shall have power and authority to purchase grounds, erect buildings for the use of said seminary, and provide libraries and other accommodations, out of or by means of any funds or estate in their hands, not necessary to the annual support of the said seminary, or out of any money or estate collected or received by them from time to time for those especial objects and purposes.

May receive
gifts of land, &c.

§ 14. That the said corporation may take, receive, purchase, possess and enjoy messuages, lands, tenements, rents, annuities, and other hereditaments, real and personal estate of any amount: *Provided*, that the same do not yield a net annual income exceeding the sum of twenty thousand dollars.

§ 15. That the general assembly shall have the power to alter, modify, or repeal this act at any time.

Approved January 28, 1854.

CHAPTER 91.

AN ACT for the benefit of Charles Seymour, of Hopkins county.

WHEREAS, it is represented that Charles Seymour, an alien and native of Ireland, has emigrated to the United States, with the intention of becoming a citizen thereof, and for that purpose has taken the initiatory oath of naturalization in due form of law, and is now a resident of this state, but that sufficient time has not yet elapsed to entitle him to the rights of a citizen, and he is desirous of being invested with the power and authority of acquiring and holding real estate in this commonwealth. Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Charles Seymour be and he is hereby vested with full power to purchase, acquire, and hold real estate in this commonwealth, and to sell and convey the same in the same manner that is now secured by law to native born citizens of this state.

Approved January 28, 1854.

LAWS OF KENTUCKY.

CHAPTER 92.

AN ACT for the benefit of the Sheriff of Pulaski county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Pulaski county shall have until the 15th day of April, 1854, to pay the one-half of the revenue of said county of Pulaski for 1853 into the treasury, without interest: *Provided*, he files with the auditor of public accounts the written consent of his securities, assenting to the same, on or before the last Monday in this month, (January, 1854,) said assent to be given in the presence, and acknowledged before the clerk of the county court of Pulaski county: *Provided*, that judgment for the amount of revenue in arrear shall be taken by the auditor of public accounts, notwithstanding the indulgence hereby granted, but no execution shall issue thereon until the 16th day of April, 1854; and if payment be made in accordance with this act, then the interest and damages shall be remitted.

Approved January 28, 1854.

CHAPTER 94.

AN ACT to amend an act, entitled, an act to incorporate the Western Baptist Theological Institute, approved February 5, 1840.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the Western Baptist Theological Institute be and they are hereby invested with full power to execute, complete, and carry into effect an agreement of compromise made and entered into between the trustees of said institute and those claiming to be trustees of said institute, dated the 20th September, 1853, and which said agreement shall be recorded in the clerk's office of the Kenton county court, and have all the incidents of a recorded instrument.

Contract of compromise legalised.

§ 2. That said trustees shall have full power to make all sales, transfers, divisions, and conveyances of the estate, property, and effects of said institute which may be necessary and proper to effectuate fully said agreement.

Trustees to carry out same.

§ 3. That said trustees shall have full power to change the location of said institute from Covington to Georgetown, Kentucky: *Provided*, that no change in the location of said institute shall be made without the concurrence of a majority of the board of trustees residing south of the Ohio river.

Change of location, how to be made.

§ 4. That the second and third sections of an act, entitled, an act to amend the charter of the Western Baptist Theological Institute at Covington, approved January 28, 1848, be and the same are hereby repealed.

Part of former act repealed.

Approved January 28, 1854.

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CHAPTER 95.

AN ACT to pay for erecting a fence around the Monument of Col. R. M. Johnson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts be and he is hereby directed to draw his warrant on the treasurer in favor of his excellency L. W. Powell, for the sum of one hundred and forty-nine dollars and seventy cents, the amount due to James Bell and H. J. Mead for cutting and setting stone and erecting a fence around the monument of Col. Richard M. Johnson, which said sum of money said Powell is directed to pay to the persons entitled to the same.

Approved January 28, 1854.

CHAPTER 96.

AN ACT for the benefit of Joseph A. Piner, Sheriff of Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Joseph A. Piner, sheriff of Campbell county, be and he is hereby released from all damages upon a judgment standing against him for failing to pay over the revenue for the year 1852, and that the auditor of public accounts grant him a full acquittance for the same, the said Piner having already paid the full amount of said revenue, interest and costs.

Approved January 28, 1854.

CHAPTER 97.

AN ACT to authorize the citizens of Hodgenville to elect a Police Judge and Marshal.

When police judge and marshal to be elected.

Jurisdiction of police judge.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the qualified voters of the town of Hodgenville, in the county of Larue, shall, on the first Monday in August, 1854, and on the first Monday in the same month every fourth year thereafter, at the court house in said town, hold an election for police judge and town marshal of said town, who, before they enter on the duties of their respective offices, hereinafter prescribed, shall take an oath before some justice of the peace, or county judge of said county, to discharge the duties of their offices faithfully and impartially, together with such other oath as is usually required of public officers. The police judge shall have jurisdiction of all breaches of the peace, riots, routs, affrays, and unlawful assemblies, or any misdemeanors of which justices of the peace now have jurisdiction. He shall have concurrent jurisdiction with justices of the peace in all civil causes; he shall have power to sit as a

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court of inquiry in criminal cases, in which he shall have the same jurisdiction now given by law to two justices of the peace, and shall proceed in like manner as is required of them by existing or future laws in criminal cases; he shall have jurisdiction of all offenses under the by-laws of said town; he shall have power to enter judgments and award executions accordingly, and grant injunctions under existing or future laws in reference thereto. It shall be the duty of said police judge to keep a record of his proceedings, a copy of which shall be evidence, and have the effect as records of justices of the peace. He shall have power to issue summonses for witnesses to give evidence in any case before him pending, and compel their attendance by compulsory process; to fine and imprison for contempt: *Provided*, said fine shall not exceed ten dollars in any case, nor the imprisonment exceed twelve hours. He shall have power to order the marshal to summon a jury in any case cognizable before him, when a jury would be required by a circuit court or a justice of the peace under existing laws. It shall be lawful for said police judge to take depositions and certify the same as a justice of the peace may do under existing laws. He shall be entitled to the following fees, viz: to a fee of fifty cents upon every application for an injunction, which shall be collected in the same manner as the fees of justices are now collected; for a warrant for a breach of any of the by-laws of said town, or in any case where the trustees of said town are plaintiffs, twenty-five cents; for swearing a jury and presiding on the trial of any civil cause, fifty cents; for taking a recognizance to keep the peace upon the application of any person, fifty cents, to be charged to the applicant; all other fees of said judge to be the same as are allowed justices of the peace for like services, and for taking depositions the same that are allowed to examiners, and collected in the same way.

His fees.

§ 2. That upon all judgments rendered by said police judge each party shall have the right to appeal, in the same manner that appeals are taken from judgments given by justices of the peace in similar cases.

Appeals, how granted.

§ 3. That said marshal shall be required to execute bond, with approved security, in such sums as the board of trustees of the town of Hodgenville may require, conditioned faithfully to discharge the duties of his office, and to contain any other condition the said board may require. He shall also execute a bond to the commonwealth of Kentucky, in the same penalty, and conditioned for the faithful discharge of his duties, as is required by law of constables. It shall be his duty to serve all process and precepts to him directed from the police judge, or any justice of the peace of Larue county, and make due return thereof; collect all taxes of said town, executions and other demands which may be put into his hands to collect, and account for and

Marshal to execute bond.

His duties and powers.

1854.

His fees.

pay over the same to whoever may be legally entitled thereto, under the same rules and regulations required by law of sheriffs in the collection of taxes, and constables in the collection of executions and other demands; and for a failure to perform any of the duties required of him, he shall be subject to the same proceedings which may be had against sheriffs and constables in similar cases. His fees in all cases shall be such as are allowed by law to constables in similar cases, except where it is otherwise provided by a previous law. He shall also have power to serve process directed to him either by the county judge or circuit court clerk, for which his fees shall be the same as are now allowed to sheriffs.

Approved January 28, 1854.

CHAPTER 98.

AN ACT to extend the limits of Greenville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the limits of the town of Greenville, in Muhlenburg county, be and the same are hereby extended, and the boundary of the limits of said town shall be as follows: beginning at Thomas T. Walton's residence, including him; thence to include John F. Strother's residence; thence to include the Presbyterian academy; thence a straight line to include J. A. Weefford's, including him; thence so as to include C. R. Weir's house, purchased of D. W. Lindsey; thence to include R. P. Ellison's residence; thence a straight line so as to include F. B. Hancock's residence; thence to include E. R. Weir's residence; thence to include T. R. Matthews' residence; thence a straight line to include Henry Udaly's residence; thence so as to include Capt. Mason, and the African church, to the beginning; and that all persons included in said extension shall be governed by the laws governing said town, and the trustees of said town shall exercise all the powers over said extension given by law over the present limits of said town.

Approved January 28, 1854.

CHAPTER 99.

AN ACT for the benefit of the Sheriff of Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Wayne county shall have until the 20th day of February, 1854, to pay into the treasury, without interest, the balance of the revenue for 1853: *Provided,* he files with the auditor of public accounts the written consent of his securities, assenting to the same, on

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or before the last Monday of January, 1854, such assent to be given in presence of and acknowledged before the clerk of the county court of Wayne county: *Provided*, that judgment shall nevertheless be taken for said arrearages of revenue, and upon the filing with the auditor as aforesaid the written consent of said sureties, said auditor shall stay execution upon said judgment until the 21st day of February, 1854, and upon the payment of said arrearages within the time hereinbefore prescribed, said auditor shall release all damages and interest thereon.

Approved January 28, 1854.

CHAPTER 100.

AN ACT to authorize the County Court of Monroe county to establish a warehouse.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That power and authority is hereby given to and vested in the county court of Monroe county, to establish a new inspection warehouse in said county upon the lands of James Fitzgerald, on the bank of Cumberland river.

County court may establish new warehouse.

§ 2. The said Fitzgerald may submit a motion to said court for an order establishing said warehouse; and if established, all such orders shall be made from time to time by said court necessary to carry out the purposes of its establishment, although it may be within less than three miles from an established warehouse.

Proceedings under this act.

Approved January 28, 1854.

CHAPTER 101.

AN ACT for the benefit of Daniel E. Downing, late Sheriff of Monroe county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Daniel E. Downing, late sheriff of Monroe county, be and he is allowed the further time of two years, from and after the passage of this act, to wind up and settle the unfinished business in his hands: *Provided*, the sureties of said Daniel E. Downing appear at the county court of said county, and in open court consent to stand further bound upon their penal bond, for the faithful performance of the duties imposed by law upon said Downing, as late sheriff of Monroe county, which consent shall be entered upon the records of said court.

Fine allowed on condition.

§ 2. That said Downing shall, during the time aforesaid, be authorized to collect all taxes, muster fines, and fee bills, in his hands due and uncollected in said county; and he is hereby authorized and empowered to distrain for and collect the same, any law to the contrary notwithstanding.

May distrain for dues.

1854.

To be respon-
sible for illegal-
ity.

§ 3. That said Downing shall be liable for all illegal acts committed under this act, in the collection of taxes, fee bills, and muster fines, to the party aggrieved; and shall be subject to all the laws now in force in this commonwealth against collecting illegal fees, or making an illegal distress.

Approved January 28, 1854.

CHAPTER 102.

AN ACT for the benefit of School District No. 89, in Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the superintendent of public instruction be and he is hereby directed to draw his warrant upon the auditor for the amount due school district No. 89, in Barren county, for school legally taught in said district, but not reported in time by the commissioners; said warrant to be drawn in favor of the said school commissioners, to be paid to the trustees of said district.

Approved January 28, 1854.

CHAPTER 103.

AN ACT to authorize the signing of the orders of the Mason Circuit Court, made at the April term, 1852.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Alvin Duvall, the present judge of the Mason circuit court, be and he is hereby appointed and authorized to sign the orders of said Mason circuit court, made at its April term, 1852, and left unsigned on account of the sudden death of the former judge; and his signature to the same shall give them the same validity, force, and effect which they would have had if signed by the judge who held the court at which they were made.

Approved January 28, 1854.

CHAPTER 104.

AN ACT for the benefit of J. B. Jones, of Edmonson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James S. Jones, late surveyor of Edmonson county, be allowed the further time of one year to complete any unfinished business he may have as such surveyor.

Approved January 28, 1854.

CHAPTER 105.

1854.

AN ACT for the benefit of William Ward, Jailer of Morgan county

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Ward, jailer of Morgan county, may reside anywhere, not exceeding four hundred yards from the jail of said county.

Approved January 28, 1854.

CHAPTER 106.

AN ACT for the benefit of the Sheriff of Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas D. Scott, sheriff of Hopkins county, have the further time of two years from and after the passage of this act, to collect the muster fines and return the delinquent list for Hopkins county, from the year 1850 to the passage of this act.

Approved January 28, 1854.

CHAPTER 107.

AN ACT to authorize the Trustees of Bradfordville to construct side-walks.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Bradfordville, in Marion county, shall have full power and authority to compel the owners of property situated in said town, to make and keep in good order and repair suitable side-walks, such as said trustees, by their order, may direct, in the streets and alleys of said town, adjacent to the property of said owners.

Trustees may cause sidewalks to be made.

§ 2. Said trustees shall also have power and authority, when the owner or owners of any property in said town shall fail or refuse to comply with any order of said board of trustees, requiring such owner or owners to make any side-walks contiguous to the property of said owner or owners, to cause the making of such side-walks as they may deem proper, and to let out the same to the lowest bidder, after first advertising the time and place of such letting at two or more public places in said town, at least twenty days beforehand; and shall have full power and authority to rent out the property adjacent to which said side-walks may be so constructed until the expenses attendant upon the construction of said side-walks shall be fully discharged; and they may, by civil suit, recover possession of the same for that purpose.

And to make them at the costs of property holders.

Approved January 28, 1854.

1854.

CHAPTER 109.

AN ACT for the benefit of the Clerks of the Clarke and Adair County Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county courts of Clarke and Adair counties, may make an allowance for a reasonable compensation to the clerks of said county courts respectively, for making cross indexes to the deed books in their offices, to be paid out of the county levies, respectively, of said counties.

Approved January 28, 1854.

CHAPTER 110.

AN ACT to legalize the sale of public buildings in Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sale made by the Pendleton county court of the old jail lot, buildings, and improvements thereon, is hereby declared legal; and said county court may appoint a commissioner to convey said property in fee to the purchaser, James T. Clarke, his heirs and assigns. The deed to be made by said commissioner to be acknowledged before, approved, and ordered to be recorded, by said court in its office, as other deeds, and when so recorded shall pass to the grantee or grantees the legal title to said property.

Approved January 28, 1854.

CHAPTER 111.

AN ACT for the benefit of John A. Burton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John A. Burton be and he is hereby allowed to close the old road, from the point where the road from Compton's mill crosses Chapline, above Perryville, in Boyle county, to the house of A. J. Walker, where it intersects with the turnpike road leading from Perryville to Lebanon, the old road from the starting point to where it intersects the turnpike road being situated on the lands of said Burton and Walker.

Approved January 28, 1854.

CHAPTER 112.

AN ACT amendatory to an act, entitled, an act to authorize the citizens of Hodgenville to elect a Police Judge and Marshal.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That after the election of the police judge and town marshal of the town of Hodgenville, in

Police judge
and marshal to
be elected.

Larue county, the county court clerk and sheriff shall, on the day following, count the votes cast for each candidate for each office, and shall give to the one receiving the highest number of votes for either of said offices a certificate of his election, and shall also transmit certificates of the same to the governor of this commonwealth, who shall issue commissions to said officers.

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§ 2. In case of the death or resignation of either the police judge or marshal the trustees of said town shall order an election to be held immediately thereafter to fill such vacancy, first giving notice, however, ten days previous to said election, in writing, which shall be posted up at the court house door in Hodgenville; which election shall be conducted in the same manner as other elections; and after said election the county court clerk and sheriff shall perform the same duties as are prescribed in the preceding section of this act, and the governor shall issue a commission to such officer so elected to fill the unexpired term of said office so vacated.

Vacancies, how filled.

§ 3. The trustees of said town may pass ordinances to suppress disturbances of the citizens of said town that may be assembled at any show, circus, or political meeting assembled in said town.

Trustees may suppress disturbances.

Approved January 28, 1854.

CHAPTER 113.

AN ACT for the benefit of P. A. Stilley.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts be and he is hereby authorized to issue a warrant on the treasurer for one hundred and thirty nine dollars and fifty four cents, to P. A. Stilley, for services rendered by himself and guard, and expenses incurred in conveying a lunatic to the asylum at Lexington; the account allowed by the Calloway circuit court for said service shall be filed with the auditor at the time of receiving the warrant hereby authorized to be issued, and said warrant shall be paid by the treasurer.

Approved January 28, 1854.

CHAPTER 114.

AN ACT to incorporate the Hopkins Coal Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Powhatan M. Robertson, William H. Scott, and Ambrose G. Gordon, and their associates, successors and assigns, be and they are hereby created a body corporate, by the name of the Hopkins Coal Company; and by that name and title may contract and be

Style of incorporation.

1854.

contracted with, sue and be sued, plead and be impleaded, as natural persons, and generally do and perform all acts and things that a corporation for particular purposes may rightfully do; and said company may have and use a common seal, and may change, alter, and renew the same at pleasure; also may purchase, receive, hold, and enjoy lands, rents, tenements, stone coal privileges, and effects necessary and adapted to the purpose of mining for, trading in, and selling stone coal; and may alien, demise, or lease the property and effects of the said company: *Provided*, that said real and personal estate, at any time, shall not exceed the value of the capital stock of said company.

Capital stock.

§ 2. That the capital stock of said company shall be two hundred thousand dollars, divided into shares of twenty-five dollars each.

Powers of the president, &c.

§ 3. That the president and directors of said company, may ordain and put in execution such by-laws, rules, and regulations, for the government of its officers, agents, and factors, and for the advancement of its interests, as they shall deem fit and expedient: *Provided*, they shall not be contrary to the constitution and laws of this state or of the United States.

Business to be conducted, and by whom.

§ 4. That the general business of the company shall be conducted by five directors, (three of whom shall reside in the county of Hopkins;) and they shall be chosen annually by the stockholders, at such time and place as shall be provided by the by-laws of said company, and shall hold their offices for one year, and until others are chosen and qualified in their stead; and one of the directors shall be chosen president, either by the directors or by the stockholders, as may be provided by the by-laws; the first election of directors to be held in the town of Madisonville, on the 11th day of March, 1854.

President to be chosen.

Officers to be chosen.

§ 5. That a clerk and treasurer shall annually be chosen by the board of directors, and shall hold their offices respectively until their successors are chosen and qualified. The clerk shall be sworn to the faithful discharge of his duty, and shall record all the votes of the company in a book to be kept for that purpose, and to do and perform such other duties as shall be assigned him. The treasurer shall be required to give bond in such sum and such sureties as shall be required by the board of directors, for the faithful discharge of his duty: *Provided*, that both offices may be held by the same person. That all other agents, factors, and other officers of the company shall be chosen and appointed in such manner as shall be directed by the by-laws.

§ 6. That at all meetings of the company, absent stockholders may vote by proxy, authorized in writing.

What the evidence of holding stock.

§ 7. That shares shall be numbered in progressive order, beginning at No. 1, and every stockholder shall have a

certificate under the seal of the corporation, and signed by the president, certifying his property in such shares. The shares may be transferred by the proprietors thereof, in such manner as may be directed by the by-laws of said company.

§ 8. That three directors shall constitute a board to transact any business; and if the office of president, director or other officer become vacant by death or otherwise, the vacancy shall be filled as may be directed by the by-laws of the company.

How vacancies may be filled.

§ 9. That the principal office of the company shall be kept in the said county of Hopkins, and that the books thereof shall always be open to the inspection of any committee of the legislature, or any stockholder of said company.

Where principal office to be kept.

§ 10. That it shall and may be lawful for the president and directors, after the full amount is subscribed, and five dollars paid in upon each share of capital stock, to borrow any sum of money which may be deemed necessary to commence and carry on said business, not to exceed one hundred thousand dollars, and to pledge the property and effects of the corporation for the payment thereof.

§ 11. That in all suits instituted against this corporation, service of process on the president ten days before court shall entitle the plaintiff to judgment by default at the first term.

How suits instituted.

§ 12. That the capital stock of said company shall be deemed and held as personal estate, and that this charter shall be subject to amendment, alteration, or modification at the pleasure of the legislature.

Approved January 28, 1854.

CHAPTER 115.

AN ACT incorporating the Sherburne, Pittsburg, and Owingsville Turnpike Road Company.

Corporate name

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company is hereby created a body politic and corporate, under the name and style of the Sherburne, Pittsburg, and Owingsville Turnpike Road Company, for the purpose of constructing a turnpike road between Sherburne and Owingsville.

§ 2. That the capital stock of said company shall be thirty-five thousand dollars, to be divided into shares of fifty dollars each. The books for the subscription of stock shall be opened on the first day of March next, at Thomas Adams' store-house, Pittsburg, and Owingsville, or such time thereafter as the commissioners may designate, and continue open until the stock is taken.

Capital stock.

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Commissioners
named.

§ 3. That the following persons, or such of them as will act, are hereby appointed commissioners to open the books for the subscription of stock: at Thomas Adams' store, Thomas Adams, J. B. Sorency, James Workman, Wm. Rout, Lewis Hardin, and H. T. Wilson; at Pittsburg, Jil-son P. Snelling, Toliver Snelling, Jno. A. Trumbo, Col. Joseph Sweatman, Sorency Thompson, Johnson A. Young, and ——— Collins; and at Owingsville, Andy Trumbo, B. D. Lacy, James Thomas, Monroe Nesbitt, Joseph H. Richart, Jacob Steel, and Wm. Bailey. That each class of commissioners shall open one or more books, and the subscribers therein shall sign an obligation in the following form, viz: "We whose names are hereunto subscribed, do bind ourselves respectively to pay unto the Sherburne, Pittsburg, and Owingsville turnpike road company fifty dollars for each share of stock set opposite our respective names, in such proportion and at such times as shall be determined on by said corporation:" *Provided however*, that said calls shall not be over the one-fifth part of the stock subscribed, and sixty days to intervene.

Directors to
be chosen.

§ 4. When five thousand dollars of said stock is subscribed it shall be the duty of said commissioners, or such of them as will act, to give notice in writing of a meeting of the stockholders of said company, in the town of Owingsville, for the purpose of organizing said company, by choosing officers, to consist of a president and five directors, a treasurer, and such other officers as they may deem necessary—notice to be given of said meeting at least ten days previous, by posting the same up at the court house door in Owingsville, one at some public point in Pittsburg, and one at the store-house door of Thomas Adams; each stockholder shall be entitled to one vote for each share of stock held by him.

Description of
road.

§ 5. That the whole width of said road shall be forty feet, and the part covered with stone shall be sixteen feet, and that the elevation of the grade of said road shall be fixed and regulated by said company. There shall not be more than two toll gates on said road, and neither of them shall be located within two miles of the towns of Sherburne and Owingsville.

Powers grant-
ed.

§ 6. That so soon as said company shall be organized, the president, directors, and other officers shall possess all the powers, authority, rights, and privileges, and may do and perform all acts and things necessary for carrying on and completing said turnpike road, as well as laying out and locating the same, and shall be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, if any, and shall be entitled to the like tolls that the Maysville and Mountsterling turnpike are entitled to.

Approved January 28, 1854.

CHAPTER 116.

1854.

AN ACT allowing the County Court of Boone to anticipate and provide for the expenses of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the county court for Boone county, in laying and imposing the county levy, to anticipate the expenses to be incurred by said county, and to increase the same until the business of the county can be done upon the cash principle, and so that the county creditors can be paid immediately after their claims are allowed: *Provided,* that the county levy for said county, for ordinary purposes, shall not exceed the sum of one dollar and fifty cents in any one year, in addition to the sums levied for road purposes.

Approved January 28, 1854.

CHAPTER 117.

AN ACT for the benefit of Lewis Rigby, of Lawrence county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land office may and he is hereby directed to change a certain call in a patent that issued from the commonwealth to Lewis Rigby, in 1837, for fifty acres of land, lying on the Upper Laurel fork of Blain, in Lawrence county, so as to make the last call in said patent read, "south one hundred poles to the beginning," instead of east twenty poles to the beginning: *Provided however,* this change is not to affect the rights or claims of any other person to any of the land included in said patent.

Approved January 28, 1854.

CHAPTER 118.

AN ACT to change the State road from Hopkinsville to Clarksville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Christian county court be vested with full power and authority to change the state road leading from Hopkinsville to Clarksville, in Mrs. Martha Gordon's lane, so as to avoid a pond in said lane. In making said change the said court shall be governed by the requisitions of the general law upon the subject of changing roads.

Approved January 28, 1854.

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CHAPTER 119.

AN ACT for the benefit of the Sheriff of Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Randolph Robinson, sheriff of Taylor county, be allowed until the court of claims in said county, in the year 1854, to return his delinquent list for the year 1853.

Approved January 28, 1854.

CHAPTER 120.

AN ACT to authorize the town of South Carrollton, in Muhlenburg county, to elect a Police Judge and Town Marshal.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the offices of police judge and town marshal are hereby created and established in the town of South Carrollton, Muhlenburg county.*

Election, when
to be held, &c.

What officers
to be chosen.

§ 2. That the trustees of said town, or any two of them, by an order of the board, may, on the first Monday in August, 1854, and every fourth year thereafter, hold an election of a police judge, clerk, and town marshal for the next four years thereafter, at which election those citizens shall have the right to vote who are entitled to vote for county judge, and reside in the limits of said town. The trustees of said town may choose a clerk of said election. The trustees who hold said election, and the clerk so chosen, shall before holding said election, each take an oath before a justice of the peace of said county faithfully and impartially to discharge the duties of their offices respectively, according to law.

Punishment
for illegal vot-
ing, &c.

§ 3. That any one of said trustees holding said election, as judge thereof, shall have power and authority to administer an oath to any offering to vote; and for false swearing and illegal voting, the offender shall be subject to the same punishment and the same penalties, and be proceeded against in the same manner, as are prescribed by the general laws of this commonwealth for like offenses.

Returns of elec-
tion to be made.

Compensation
of clerk.

§ 4. That the officers holding said elections shall make out and sign a certificate, showing the result, and hand the same to the clerk of the Muhlenburg county court, who shall immediately record the same in a book to be by him procured and kept for that purpose; and said clerk shall receive such compensation therefor as is now allowed by law for similar services, to be paid out of the corporate funds of said town.

Certificate of
election to be
sent to the gov-
ernor.

§ 5. That the clerk of said county court, so soon as he receives said certificates, shall forward by mail an attested copy of the same to the governor of this commonwealth, so far as the election of said police judge is concerned, who shall thereupon issue a commission to the person

thus returned elected as a police judge of said town, and forward the same.

§ 6. That said police judge, when elected and commissioned as aforesaid, shall be a conservator of the peace throughout said county; his jurisdiction, both civil and criminal, shall be the same as that which now is or may be conferred by law on justices of the peace; he shall have power to sit as a court of inquiry in criminal cases; to grant injunctions, attachments in chancery, and writs of *habeas corpus*, and hear and determine writs of *habeas corpus*: *Provided*, that no defendant in any civil suit shall be compelled to go out of his justices' district to attend trial before said judge: *And provided further*, that by removal out of the corporate limits of said town, said judge shall vacate his office; and in the event said office is vacated by death, removal, or resignation, then the trustees of said town may proceed, as in the 2d, 3d, and 4th sections of this act prescribed, to hold an election.

§ 7. That the fees of the said police judge shall be the same as are now or may hereafter be allowed by law to justices of the peace for like services.

§ 8. That said police judge, so soon as he receives said commission, may enter upon the duties of said office; he shall keep a faithful record of all his official acts, in the same manner as are now required by law of justices of the peace; and for a failure herein shall be subject to the same penalties as are now imposed by law upon justices of the peace for like offices; and each successive judge elected as aforesaid, shall deliver over to his successor all the official papers and records of said office, and on failure shall be subject to the penalties aforesaid.

§ 9. That upon all judgments rendered by the said police judge, either party shall have the right to appeal, in the same manner that appeals are taken from judgments of justices of the peace in similar cases.

§ 10. That said police judge, before he enters upon the duties of said office, shall take an oath before some justice of the peace for said county, faithfully and impartially to discharge the duties of the office of police judge in the town of South Carrollton, according to law.

§ 11. That said police judge shall hold his office for the term of four years, and until his successor is elected and qualified according to law.

§ 12. That a certified copy of the official acts, records, and proceedings of said police judge shall be evidence, and have the same effect as records of justices of the peace.

§ 13. That said town marshal, when so elected, and said certificate furnished as aforesaid, shall, before he enters upon the duties of said office, take an oath before some justice of the peace for said county, faithfully and impartially to discharge the duties of said office of marshal according to law; and shall also execute an obligation for

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Powers of police judge.

Disqualification of judge, and how office to be filled.

Fees of judge.

When to enter on duties of office, and what restrictions imposed.

Right of appeal granted.

Judge required to take an oath.

Term of office.

Marshal to take an oath before entering on duties of office.

1854.

the faithful discharge of his duty, with good security, payable to the trustees of said town and their successors in office, to be by any two of them approved, containing conditions similar to those now required by law to be contained in constables' bonds; and any person damnified by the official acts of said marshal, may sue or motion thereon before any court having jurisdiction thereof, in the name of the trustees of the town of South Carrollton, for his use and benefit, or may motion before said police judge of said town, in the same manner and under the same rules that motions are made before justices of the peace against constables.

Duties of trustees.

§ 14. That the trustees of said town, so soon as said obligation is executed, shall attest the same, and deliver it to the clerk of the Muhlenburg county court, who shall carefully preserve and file the same in his office; and said clerk shall give an attested copy to any person who may apply for the same, which copy, when so attested, shall have the same force and credit, in all courts of justice, as other records from said office are entitled to under existing laws; and the said clerk shall receive from said applicant, such fees as are now allowed by law for similar services.

Powers of marshal.

§ 15. That said marshal shall be a conservator of the peace throughout the county; he shall have power to execute all original, mesne and final process issued by said police judge, in doing which he may go to any part of the county; and shall be governed in the service and execution of process by the same rules, regulations, and laws that now or may hereafter govern constables in the service and execution of process, and shall be liable for property held by virtue of a process, or for money collected, and may be proceeded against in the same manner now prescribed, or which may be prescribed, by law in reference to constables.

Marshal to deliver up papers at expiration of term of office.

§ 16. That each successive marshal elected as herein directed, when he goes out of office, shall deliver to his successor such official papers as may need further official action.

Where to reside and how long to continue in office.

§ 17. That said marshal shall reside within the corporation of said town, and shall hold his office for four years, and until his successor is elected and qualified according to law.

What the fees of office.

§ 18. That the fees of said marshal shall be the same in all cases as those now allowed by law to constables for like services.

Vacancy, how filled.

§ 19. In case of the removal, resignation, or death of the marshal, that two trustees of said town may appoint some person to hold said office until the first Monday of the next August thereafter, and shall then hold an election to fill such vacancy, under the same rules as hereinbefore required.

Approved January 26, 1854.

CHAPTER 121.

1854.

AN ACT to reduce into one the several acts relating to the town of Lebanon.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the present corporate limits of the town of Lebanon, as shown upon the map of the trustees of said town, and also all grounds within one quarter of a mile of the court house in said town, shall constitute the corporate limits of the town of Lebanon; and it shall be the duty of the trustees of said town, on or before the 1st day of July, 1854, to cause a map or plat of the several lots of said town, as the same now appears on their books, to be recorded in the office of the clerk of the Marion county court.

Corporate limits extended.

§ 2. That hereafter the fiscal, municipal, and prudential concerns of said town shall be vested in five trustees, who shall be elected annually, on the first Saturday in April, in the manner hereinafter prescribed, by the free white male citizens of said town, over the age of twenty-one years, and who shall have resided within the limits of said town for six months next preceding such election. They shall have power to fill any vacancy that may occur in their board. It shall be their duty, at their first meeting after election, to appoint one of their own body to preside at their meetings, to be styled the president of the board of trustees, to whose management and control the executive affairs of said town shall be entrusted. A majority of the board shall constitute a quorum for the transaction of business, and in the absence of the president, they may elect a president pro tempore: *Provided*, that the present trustees shall continue in office until their successors shall be elected and qualified.

Trustees to be elected.

Their duties.

§ 3. That said trustees shall be a body politic and corporate, and shall be known by the name and style of the Board of Trustees of Lebanon; and in that name may sue and be sued, contract and be contracted with in all courts and places, and may use either a common or private seal, and do all other acts which a body politic and corporate, having perpetual succession, may lawfully and rightfully do.

Corporate name and powers.

§ 4. They shall have power to make and receive all necessary conveyances in relation to said town. They shall have power to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the laws and constitution of this commonwealth. They shall have power to assess and collect annually an *ad valorem* tax not exceeding twenty-five cents on each one hundred dollars worth of real and personal estate within the town, (except cash and cash notes on men who live without the limits of said town,) by law taxable, and a poll tax not exceeding one dollar on each tithe; and upon the refusal of any person so assessed to pay said

General powers.

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revenue or poll tax, or upon the return by the town marshal hereinafter provided, of any delinquent list, they may order a sale and conveyance of so much of the real or personal estate of such person or persons, as may be necessary for the payment of his taxes and the costs of such proceeding, after advertising said sale for fifteen days before the sale, at the court house door in said town. It shall be the duty of the trustees to keep the streets in good repair for transportation and travel, under the penalties now by law inflicted. They shall have power, by their by-laws, to declare what are nuisances within said town, and abate the same, or by their order cause the same to be done, and may impose fines and penalties on whoever may cause the same. They shall have power to provide for the organization of a fire company, to prescribe their duties, and fix fines and penalties for the failure of any one to perform the same. They shall have power to erect a suitable market house.

May purchase
land for a ceme-
tery.

§ 5. The trustees of said town may purchase any number of acres of ground not exceeding ten, for the purpose of a burying ground, and may lay off and sell burial rights or lots, and appropriate the proceeds to improving and beautifying the grounds, and may by their by-laws impose a fine, not exceeding fifty dollars, upon any person trespassing on or injuring the grounds or improvements.

May open new
streets.

§ 6. They shall have power over the streets, alleys, sidewalks and public squares of said town, and may cause any or all of the streets and alleys of said town, as the same were originally laid out and dedicated to public use, to be opened and cleared under appropriate penalties, except in such cases in which said trustees have, by contract and for valuable consideration, ceded to private individuals their right and power over said streets and alleys. If said trustees shall desire to open other streets or alleys, they may do so by receiving from the owners a conveyance, or dedication of the same; but if they cannot purchase, or otherwise procure the use or cession of the same, and deem the establishment of a street or alley of public benefit to said town, the president of the board shall apply to the county court of Marion county for a writ of *ad quod damnum*, (ten days previous notice being given to the owner of the land, if in the county, and if not, then to be served as other notices are required,) which the court shall award, and under which writ the sheriff shall act in every respect as if the said writ had been awarded upon a motion to establish a road under existing laws; and upon the damages being assessed and paid over to the owner of the land, or left on deposit for him with the county court clerk, the said trustee shall have full power to open and establish such street or alley as a part of said town: *Provided*, that no such street or alley shall be laid out

through any dwelling house or burial ground : *And provided further*, that in case said trustees shall fail to have such streets and alleys as are now or may be under this act within their power and control, opened by the first day of June, 1854, then they shall be liable to be fined any sum not exceeding fifty dollars, upon indictment or presentment found in the Marion circuit court.

1854.

§ 7. That they shall, as the wants of society require, and the means of the treasury allow, grade and pave, or macadamize, or gravel the streets of said town ; and after any such street shall have been so paved, macadamized, or graveled, they may, by an order of the board, require the owner or owners of any lot or lots, fronting on such street, or any other street of said town already paved, macadamized, or graveled, to grade or pave, macadamize, or gravel the side walk to the extent of such lot ; and on the failure of such owner or owners to comply with such order, the said trustees may cause the same to be done at their own expense, but shall have a lien on such lot for the reimbursement of the same. Before the trustees shall cause such work to be done, they shall cause a copy of the order requiring the same to be done, to be posted up at the court house door for two months successively, which shall be deemed actual notice to the owner or owners of said lot ; or such owners may be served personally with a copy of the order ; and if there be two or more joint owners, a service on one shall be good as to all of them ; and if notice of such order be given in either of the modes above indicated, and the owner or owners shall fail to comply with the order of the trustees, and the latter shall cause such work to be done, they shall cause the cost thereof to be entered upon their books, and shall make an order to the effect that the marshal shall levy the same of the estate of such owner or owners, and in virtue of such order the marshal shall have power to levy on and sell any of the estate of such owner or owners of such lot, and particularly the lot itself, and shall proceed to sell the same, or so much thereof as may be necessary to pay such cost, in the manner that sheriffs are by law authorized to sell real estate, and after making such sale, shall convey the title to the purchaser ; and the levy, sale, and conveyance shall have the effect to pass all the title, legal or equitable, of such owner or owners to the purchaser : *Provided*, that if any such owner shall pay to the purchaser, within one year after such sale, the purchase money and twenty per centum thereon, he shall be entitled to a re-conveyance of the same.

May grade and pave streets at expense of property owners.

§ 8. Said trustees shall have power to pass by-laws for the suppression of tippling-houses, gambling-houses, and such other houses as are the common resort of idle, dissolute, and disorderly persons ; and to prohibit all retailers of spirituous liquors from retailing the same ; and, by pro-

May suppress tippling houses. &c.

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viding and enforcing, by adequate penalties, to punish all riots, disorders, and breaches of the peace, and any indecent and licentious behavior.

May tax stores,
&c.

§ 9. That said trustees shall have power to pass by-laws taxing any store, grocery, or retail establishment that may be commenced, or opened at any time subsequent to the day fixed for the annual assessment. They shall have power to tax peddlers and auctioneers in addition to the tax now imposed by law, not exceeding one fourth of one per cent. upon all public sales of goods, wares, and merchandize, and to require them to take out license, under such restrictions as may be necessary to enforce such tax, as well as the power to tax and license agencies of insurance, shows, exhibitions, theatrical performances, concerts, and all places of public amusement where money is charged for admission to the same.

Appoint other
officers.

§ 10. That said trustees shall appoint a clerk, a treasurer, and an assessor of tax, being citizens of said town, whose term of office shall continue one year, unless removed by the board; and the clerk shall keep a fair record of the proceedings of the board, and may certify copies thereof. It shall be the duty of the board to take from the treasurer a bond, with good surety, for the faithful performance of his duties as such. The presiding officer of the board shall sign all orders made at any one sitting.

Power to li-
cense taverns.

§ 11. They shall have power to tax and exclusive power to license, all taverns, houses of entertainment, retailers, coffee-houses, victuallers, confectioners, and houses of public resort in said town, such sums as they may provide: *Provided*, that the amount taxed upon tavern licenses by the laws of the state shall be paid over to the clerk of the Marion county court, as is now provided by law.

Police judge
and marshal to
be elected.

§ 12. A police judge and town marshal shall be elected, on the first Monday in August, 1854, and every fourth year thereafter, by the qualified voters of said town, and shall hold their offices until their successors are elected and qualified. The polls of the election of police judge and town marshal shall be returned to the county court of Marion county, at the first term after said election. The county court shall certify the result of the election, so far as the police judge is concerned, to the governor of the state, whose duty it shall be to issue a commission for the person elected to the office of police judge, and who shall be a judicial officer, to be styled the police judge of the town of Lebanon.

Their duties,
and jurisdiction
of police judge.

§ 13. The police judge, before he enters on the duties of his office, shall take an oath before some justice of the peace, or judicial officer of Marion county, to discharge the duties of his office faithfully and impartially and to the best of his ability, together with such other oaths as other public judicial officers are required to take by law

1854.

and the constitution. He shall have jurisdiction within said town and town district of civil causes to the same extent that justices of the peace now have, or may hereafter have within this state; and shall have the same jurisdiction of crimes and misdemeanors committed within said town and the county of Marion as two justices of the peace now have; and shall have full jurisdiction within said town of all offenses against the by-laws and ordinances of said town. He shall have power to issue all necessary process and precepts, enter judgments, and issue executions for all fines and penalties for such offenses, in such manner as justices of the peace may now do by law. He shall have power to grant attachments and injunctions to the same extent that the presiding judge of the county court now has. It shall be the duty of said police judge to keep a record of his proceedings, copies of which shall be evidence to the same extent, and for the same purpose, that copies of the records of justices of the peace now are. He shall have power to issue subpoenas for witnesses, and other process to compel the attendance of witnesses before him, and to punish all contempts against his authority by fine, not exceeding five dollars in each case. He shall have power to order the marshal, or other officer, to summon a jury in cases cognizable before him, where a jury is required by law. He shall have power to take and certify depositions as justices of the peace now have under existing laws, and shall be entitled to the following fees, to-wit: for a peace warrant, fifty cents; for a warrant in cases of riot, rout, unlawful assembly or breaches of the peace, or disorderly conduct, fifty cents; for a warrant for any violation of a by-law or ordinance of said town, twenty-five cents; for swearing a jury and presiding over a trial, one dollar; for subpoenas, twelve and a half cents, each; for original judgments in civil cases, twelve and a half cents; all other fees shall be the same as justices of the peace for like services, and he shall have power to collect his fees in the same way as justices of the peace. He shall have jurisdiction of all cases of motions and suits, not exceeding fifty dollars, against the treasurer, marshal, clerk and other officers of said town, for all sums of money received by them, and for which they shall not have properly accounted. For the trial of civil cases he shall hold regular terms in the months of March, June, September, and December in each year, and for other cases may hold his court at any time that an offender may be brought before him, or process returned regularly executed.

His fees.

§ 14. Appeals from all judgments rendered by said police judge in civil cases, shall be allowed to any party, under the same rules and regulations and to the same tribunals as appeals are now allowed from judgments of justices of the peace.

Appeals from his judgments, how taken.

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Fines for benefit of the town.

§ 15. That all fines recovered for breaches of the by-laws of said town, breaches of the peace, any penalties recovered, and all taxes collected under this act, shall go into the treasury of said town, except as otherwise herein directed.

Duties and powers of the marshal.

§ 16. The marshal shall have the same powers, perform the same duties, and be liable to the same penalties, that constables of this commonwealth now by law are, or may hereafter be, authorized to perform or be subject to. Before he enters on the duties of his office, he shall take an oath for the faithful performance of his duties in the county court of Marion county, and shall execute a covenant to the commonwealth of Kentucky, with good surety, to be approved of by said court, faithfully to perform his duties, with condition similar to a constable's covenant, upon which suit or motion may be instituted, according to the rules and regulations of law as regards constables. He shall collect all town taxes and other demands in any other part of the county, and shall be responsible as a sheriff or constable is now by law in such cases, and shall be entitled to such fees for collecting tax as the trustees shall allow him: *Provided*, that said police judge shall have power and authority to direct his process to be executed by the marshal or any sheriff or constable of said county.

§ 17. The election of trustees shall be had under existing laws.

Further duties of marshal.

§ 18. The marshal shall be a conservator of the peace, and may and shall, on his own view, or on reliable information of others, arrest any and all rioters and persons guilty of disorderly conduct, and shall safely keep said person by confinement in the jail of the county, or otherwise, until such person can be conveniently brought before such police judge or justice for examination and trial; and for this purpose the jailer shall receive and safely keep all persons placed in his care by the marshal.

§ 19. The police judge shall, in like manner, on his own view, or information, issue his warrant for the apprehension of all such persons for disorderly or riotous conduct, or other offenses in said town.

Marshal's fees.

§ 20. The marshal shall be allowed the following fees, to wit: For arresting under a peace warrant, one dollar; arresting under a warrant for a breach of the peace, riot, or disorderly conduct, one dollar; summoning a jury in such case, one dollar and fifty cents; serving a warrant for a violation of by-laws, fifty cents; in all other civil and criminal cases, the same fees that constables are entitled to, except in abating a nuisance, in which case he shall have such fee as the trustees shall prescribe.

Trustees may pass by-laws.

§ 21. The trustees shall have power to pass all necessary by-laws concerning the conduct, regulation, and punishment of slaves and free negroes within the limits of said town. The marshal shall be a patrol of said town,

and shall perform the duties thereof for such fees as the trustees may prescribe, assisted by such other patrols as the trustees may appoint.

§ 22. It shall be the duty of the trustees, in case of vacancy produced by death or otherwise in the office of police judge or marshal, forthwith to order another election to fill such vacancy, after giving five days notice thereof in writing, posted on the court house door; and said election shall be conducted by the same persons, in the same way, and at the same place at which the regular election is held, and the polls to be compared, and other necessary proceedings had in the same way as at a regular election.

Vacancy in office of police judge or marshal, how filled.

§ 23. When any offense against any of the penal laws of the commonwealth, or against any of the by-laws or ordinances of said town, shall be committed in the limits of said town, and tried therein, if the offender be found guilty, the officer trying the same shall tax in the costs against such person the sum of two dollars and fifty cents, to go to the trustees for the benefit of said town, except in such cases as may be exempt from paying such additional cost by an order of the trustees.

Costs to be taxed on certain judgments.

Approved January 28, 1854

CHAPTER 122.

AN ACT to incorporate the Western Reserve Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be formed under the name and style of the Western Reserve Turnpike Road Company, for the purpose of constructing and maintaining an artificial road from a point on the Covington and Lexington turnpike road, near the residence of John W. Leathers, to a point near the residence of Elmore Scott, in Kenton county.

Company formed.

§ 2. The capital stock of said company shall not exceed twenty thousand dollars, to be divided into shares of twenty dollars each.

Capital stock.

§ 3. Books for the subscription of stock shall be opened on the first Monday in May, 1854, or as soon thereafter as may be convenient; at the school house near said Elmore Scott's, under the superintendence of J. M. Tennis, Samuel Rich, J. W. Leathers, and P. S. Bush, who are hereby appointed commissioners; and said subscriptions shall be binding on the persons making the same, to pay the sums by them respectively subscribed, at such times and in such amounts as the president and directors of said company may require by order of the board.

Books to be opened.

§ 4. The said commissioners shall give notice in the Covington Journal of the time and place where said books shall be opened, at which time and place one or more of them shall attend and permit all persons legally qualified,

Notice to be given.

1854.Directors, how
elected.

whether sole or corporate, to subscribe for such number of shares of the capital stock of said company as they may choose; and the books shall be kept open from time to time, at the pleasure of the commissioners, until a sufficient sum is subscribed to carry out the objects of this corporation.

§ 5. It shall be the duty of the commissioners, within two months after closing the subscription books, to give notice for at least twenty days, in said Covington Journal, of the time and place for the election of a president and four directors for said company; and all the stockholders in said company shall be entitled to vote at said election, in person or by written proxy, in proportion to their stock, as follows: one vote for every share held by them upon which the required calls have been paid, to the number of ten shares, and one additional vote for every two shares over ten; and said president and directors shall hold their offices for one year, and until their successors are elected.

When road to
be begun.

§ 6. So soon as said company is organized, and stock to the amount of one thousand dollars is taken, said company may proceed with the construction of said road, and shall have power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and have and use a corporate seal; and may appoint such officers as they may think necessary to carry out the objects of the corporation; and may make such necessary by-laws as may not be inconsistent with the laws and constitution of this state.

Description of
road.

§ 7. Said company shall have power to construct and complete said road, with a grade not exceeding thirty feet in width, and not less than ten feet in width of macadamizing, and may erect not more than two toll-gates thereon, at which the rates of toll demanded shall not be greater than those now fixed by law, and not to realize a profit of more than eight per centum per annum. They may extend their road to such other points in said county as they may desire, and increase their capital stock for that purpose. They shall have power to condemn all such lands and materials for said road as they may deem necessary.

Approved January 28, 1854.

CHAPTER 123.

AN ACT to change the voting place in District No. 3, in Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present voting place in district No. 3, in Todd county, be and the same is hereby changed from the house of Mrs. Williams to the old store-house of William Morrow, in the town of Fairview, in said district and county.

Approved January 28, 1854.

CHAPTER 124.

1854.

AN ACT to authorize the citizens of Brandenburg to elect a Police Judge and Marshal.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the qualified voters of the town of Brandenburg, shall, on the first Monday in August, 1854, and on the first Monday in the same month every four years thereafter, at the court house in said town of Brandenburg in Meade county, hold an election for a police judge and town marshal, who, before they enter upon the discharge of their respective duties hereinafter prescribed, shall take an oath before some justice of the peace, or county judge of Meade county, to discharge the duties of their offices faithfully and impartially, without favor or affection, together with such other oaths as are usually required of public officers. The said police judge shall have jurisdiction, within the limits of said town, of all breaches of the peace, riots, routs, affrays, and unlawful assemblies, or any other misdemeanor of which justices of the peace now have jurisdiction. He shall have concurrent jurisdiction with justices of the peace in all civil causes; he shall have power to sit as a court of inquiry in criminal cases, in which he shall have the same jurisdiction now given by law to two justices of the peace, and shall proceed in like manner as required of them by existing or future laws in criminal cases; he shall have jurisdiction of all offenses under the by-laws of said town; the power to enter judgments and award executions accordingly. He shall have power and authority to grant injunctions under existing or future laws in reference thereto. It shall be the duty of said police judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace. He shall have power to issue summonses for witnesses to give evidence in any case pending before him, and to compel their attendance; to issue compulsory process, to fine and imprison for contempt: *Provided*, said fine shall not amount to more than ten dollars in any case, nor the imprisonment to more than twelve hours. He shall have power to order the marshal to summon a jury in any case cognizable before him when a jury would be required by a circuit court, or a justice of the peace, under existing laws. It shall be lawful for said police judge to take depositions and certify the same when they are to be read as evidence in any cause pending in any court in this commonwealth. He shall be entitled to the following fees, viz: to a fee of fifty cents upon every application for an injunction, which shall be collected in the same manner as the fees of justices are now collected; for a warrant for any violation or breach of the peace, fifty cents; for a warrant for a breach of any of the by-laws, or in any case where the trustees of said town are plaintiffs,

Police judge and marshal to be elected.

Jurisdiction of police judge and his powers.

His fees.

1854.Appeals, how
granted.

twenty-five cents; for swearing a jury and presiding on the trial of any civil cause, fifty cents; for taking a recognizance to keep the peace upon the application of any person, fifty cents, to be charged to the applicant; all other fees of said judge to be the same as allowed to justices of the peace for like services, and collected in the same way.

§ 2. That upon all judgments rendered by the said police judge each party shall have the right of appeal from said judgment, in the same manner that appeals are taken from judgments of justices of the peace in similar cases.

Marshal to
execute bond.His duties and
powers.

§ 3. That said marshal shall be required to execute bond with approved security, in such sum as the board of trustees of the town of Brandenburg may require, conditioned faithfully to discharge the duties of his office; which bond shall also contain any other condition the said board may require; he shall also execute a bond to the commonwealth of Kentucky, in the same penalty, and conditioned for the faithful discharge of his duties, as is required by law of constables; that it shall be the duty of said marshal to serve all process and precepts to him directed from the police judge, or any justice of the peace of Meade county, and make due return thereof; collect all taxes of said town, executions, and other demands which may be put into his hands to collect, and account for and pay over the same to whoever may legally be entitled thereto, under the same rules and regulations required by law of sheriffs in the collection of executions and other demands; and for a failure to perform any of the duties required of him he shall be subject to the same proceedings which may be had against sheriffs and constables in similar cases; his fees in all cases shall be such as are allowed by law to constables in similar cases, except where it is otherwise provided by a previous law. He shall also have power to serve process directed to him either by the county judge or circuit court clerk, for which his fees shall be the same as are now allowed to sheriffs.

His fees.

Approved January 28, 1854.

CHAPTER 126.

AN ACT to amend the charter of the New Orleans and Ohio Railroad Company.

Company may
borrow money.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the charter of the New Orleans and Ohio Railroad Company, approved January 9, 1852, be so amended as to authorize said railroad company to borrow money on the credit of the corporation, to the amount of two hundred thousand dollars, at any rate of

interest not exceeding seven per cent. per annum; and the company may issue such evidences of such indebtedness as may be deemed proper, and secure the same by giving a lien upon the property and assets of the company; and the said bonds or evidences of debt the said company may sell at such places as to them may seem advisable, and at such rate of discount as they may choose.

1854.
Bonds may be issued.

§ 2. That said railroad company are hereby authorized to indorse and guarantee the payment of the principal and interest of the bonds of the town of Paducah and county of McCracken, which have been issued for the payment of stock in said railroad company; also that the indorsements and guaranties heretofore made upon said bonds are hereby legalized and made as binding upon said railroad corporation as if done by express grant in their said charter. That said company may appoint a director in said company residing in the state of Tennessee: *Provided*, the number is not increased.

May indorse certain bonds.

Approved February 4, 1854.

CHAPTER 127.

AN ACT declaring Miller's creek, in Estill county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Miller's creek, in Estill county, be and the same is hereby declared to be a navigable stream, from its mouth to Elijah Herndon's mill.

Approved February 4, 1854.

CHAPTER 128.

AN ACT to amend and consolidate the several acts concerning the Maysville and Lexington Railroad Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all persons, corporations, and counties which have become stockholders under the original act of incorporation, approved March 4, 1850, and the amendatory act, approved February 17, 1851, and who may become stockholders pursuant to this act, in the company incorporated by said act of March 4, 1850, shall be and continue a body corporate, under the name and style of the "Maysville and Lexington Railroad Company," with perpetual succession; may have a common seal, and have power to contract and be contracted with; may sue and be sued, plead and be impleaded in any court of law or equity; and shall have power to construct and maintain a railway, with single or double track, and such structures and appendages as may be deemed proper for its use, commencing at any eligible point in the city of Maysville,

Corporate name and powers.

1864.

thence by any practicable route to the city of Lexington, in the state of Kentucky, and terminating at such point as has been or may be agreed by said company and the city council of Lexington.

Capital stock.

§ 2. The capital stock of said company shall be one million five hundred thousand dollars, to be increased to any amount required to complete the road, and purchase the necessary grounds, depots, stations, engines, cars, and appendages; which capital stock shall be divided into shares of fifty dollars each, and be deemed personal property.

**Former sub-
scriptions con-
firmed.**

§ 3. The subscriptions of stock already made to said company by individuals, town and city corporations, companies, and counties, are hereby ratified and confirmed, and declared legal and valid, and as such obligatory on the parties so subscribing. Each individual subscriber, hereafter subscribing, shall pay in such manner as the company may require. And the company is hereby fully empowered to collect by suit or otherwise all subscriptions already made, or which may be made hereafter.

**May receive
further subscrip-
tions.**

§ 4. The said company is hereby authorized to receive subscriptions until the full amount of stock required shall be subscribed; and any corporation, other than municipal, is hereby authorized to take and hold stock in said company, to an amount not exceeding two hundred thousand dollars. The counties through which said railway or its branches may run, and which have not hitherto subscribed, are hereby authorized to subscribe to an amount not exceeding one hundred thousand dollars each. The county court of any such county, upon the application of the company, shall submit the proposition as made by the company, at any time or times hereafter, to a vote of the qualified voters of the county. Before the vote, four weeks notice of the day and places of voting shall be given by said company, by advertisement in the Maysville Eagle, and a paper printed in the county, if any, and also by written notice at the court house door of the county, specifying the terms of said proposition. The county court shall cause poll books to be opened in the different voting precincts on the day of voting, and take all necessary measures to ascertain correctly the sense of the qualified voters of the county on the proposition submitted; and if a majority of the legal votes cast on said day shall be in favor of the subscription, the court shall direct its clerk forthwith to subscribe on the books of the company, for the amount of stock authorized by said vote. And any city or town to, through, or near which said road or any of its branches may run, or which has a peculiar interest in either, and which has not hitherto subscribed, may, upon the application of the company, submit by an order of its corporate authorities a proposition for a subscription to an amount not exceeding one hundred and fifty thousand dollars, to the qualified voters thereof, upon notice published in any paper of said city or town; or if no

**County sub-
scriptions.****Cities and
towns may sub-
scribe.**

1854.

paper is published there, then in a paper published in the nearest city or town—the notice to be published three weeks before the vote; the terms of subscription to appear in the notice; and if a majority of the legal votes cast shall be in favor of subscription, the council or board of trustees shall cause the subscription to be made, and shall levy the necessary tax. Such subscription may be paid, in accordance with the proposition, either by a direct tax upon real and personal property, or by bonds, not of less amount than \$500 each, payable in thirty years, with interest from date at the rate of six per centum per annum, payable semi-annually, and both principal and interest payable at the city of New York.

§ 5. The county courts of said counties, and the councils and boards of trustees of said cities and towns, shall levy and collect upon the real and personal property of the said counties, cities, and towns, which have subscribed or which may hereafter subscribe stock as listed for state purposes, an amount in money sufficient, after making a reasonable allowance for delinquencies, to pay off the subscriptions in money, and the principal and interest upon the bonds as they respectively fall due. These taxes shall be levied and collected as state taxes are collected, and by the proper collecting officers of such counties, cities, and towns, under the same penalties, for a like compensation, and subject to the same amercements for neglect of duty, as sheriffs are subject to for a failure to collect and pay over the state revenue. The said collecting officers shall execute bonds payable to the commonwealth, in sufficient penalties, and with good securities, conditioned for the faithful collecting and paying over the amounts collected, and for the proper performance of all their duties hereby required.

Authorities of counties, cities, and towns to levy tax to pay for subscription.

How collected.

§ 6. The collecting officers, in order to make such collections, shall have the same powers of distressing, advertising, and selling personal estate and slaves which sheriffs have or may have in the collection of the state revenue; and when unable to find personal estate or slaves liable to the tax, they shall levy on the real estate, if any, and sell the same as sales are made of real estate under execution, subject to a similar right of redemption.

Powers of collecting officers.

§ 7. As collections are made, they shall be paid to the treasurer of the commissioners of the sinking fund of the county, or to the treasurer of the city or town, as the case may be; and if there should be no commissioners of the sinking fund for the county, then the collections for the county shall be paid to the county court clerk, who shall execute bond to the commonwealth, renewable annually, with security, to be approved by the court, in double the sum to be collected in any one year, and conditioned to account for and pay over, on the order of the court, all funds which may come into his hands as aforesaid.

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Duties of collecting officers.

§ 8. The said treasurer or clerk shall require the sheriff to pay over the taxes herein provided for, and shall institute proper proceedings against him in case of failure. He shall appropriate such taxes to the payment, in the city of New York, of the principal and interest due on the bonds herein authorized, and of the payment to said company of the subscriptions payable in money, according to the purposes respectively of said taxes. He shall receive the dividends on the stock owned by the county in said company, and hold them subject to the order of the commissioners or the county court, as the case may be. The same duties, in the case of cities or towns, shall be performed by the treasurer, under the orders of the councils or boards of trustees.

How such tax to be applied.

§ 9. The taxes thus received shall be set apart, pledged, and exclusively appropriated to the purposes for which they were levied, and for no other purpose whatever. Each tax-payer shall receive from the officer a certificate of the amount of tax paid by him at the time of payment. All certificates given for taxes or subscriptions shall be transferable by indorsement, and any certificate or certificates amounting to fifty dollars shall entitle the holder to one share in the stock of the company. For the amount of bonds voted and delivered to the company by any county, city, or town, stock shall be issued in the name of the county court, city, or town, as the case may be; and when taxes are levied and paid for the redemption of the principal of the bonds issued to said company by such county, city, or town, the tax-payer shall receive a certificate from the proper officer of the amount of tax paid, and any such certificate or certificates, amounting to fifty dollars, shall entitle the holder to one share of stock payable by said county, city, or town, and transferable on the books of said company. Stock issued upon certificates of tax payments for interest on bonds, shall not bear interest, but the holder shall be entitled to his proper dividends declared by the company; and so of stock issued upon certificates given to individual or corporate stockholders for interest allowed upon payments of money on their original stock subscriptions. And to equalize all stockholders, an interest account shall be kept by the company with stockholders, individual and corporate, who pay their stock in money, work, or property, other than bonds, until the road shall be in full operation, crediting an annual interest on payments made, and charging interest upon calls unpaid. No interest is to be credited to such stockholders as pay in bonds. As soon as the road is in full operation, all credit and certificates of interest shall cease to be given by said company.

Tax receipts to be paid in stock.

Interest allowed thereon.

Directors may negotiate bonds of company.

§ 10. The bonds already executed, and those authorized by this act to be issued, shall be negotiable and transferable by the order of the board of directors of said company.

and the indorsement of the president, countersigned by the secretary, shall be the form of transfer.

§ 11. There shall be a regular annual meeting of the stockholders of said company held in Maysville, the time to be fixed in the by-laws, for the purpose of electing directors for the ensuing year and considering the affairs of the company. The president shall preside, and a full and distinct exhibit of the condition and past operations of the company shall be made by the board of directors. Each share of stock represented, either in person or by proxy, at said meeting, shall be entitled to one vote in the election of directors, and the determination of any question before the meeting; and a majority of the shares voted shall decide the choice or action of said meeting. The presiding judge of the county court, or other authority properly empowered, may, in person or by proxy, cast the vote of any county that is a stockholder; and the agent or agents selected for that purpose by any municipal or private corporation or company, being a stockholder, having a written proxy, may cast the vote of such corporation or company.

Annual meetings of stockholders.

How vote of county to be cast.

§ 12. A special meeting of stockholders may be held in Maysville, at any time, upon the call of the president and directors, or a majority of them, or by stockholders owning at least one-fourth of the whole stock subscribed, upon giving twenty days notice of the time and of the special object of the call. If a majority, in value, of the stockholders is not present, in person or by proxy, on the day named, the meeting may be adjourned from day to day for three successive days, without transacting any business, and if within said three days a majority does not appear, the meeting shall be dissolved.

Special meetings, how called.

§ 13. The stockholders, at their annual meeting, shall elect seven directors of said company, in the manner to be prescribed in the by-laws, who shall be stockholders by subscription or purchase individually, and who shall hold their offices for one year, and until their successors shall be regularly elected, subject, however, to the right of the board of directors to change the time of election. Before entering upon their offices, they shall swear or affirm, before an officer duly qualified to administer oaths, that they will well and truly discharge their duties as directors, according to their best skill and judgment. Their first duty shall be to elect a president of said company, who shall be a stockholder as aforesaid, and who may or may not be taken from among the directors. He shall, before entering upon the duties of his office, be qualified as above faithfully and to the best of his skill and judgment to discharge his duties as president.

Annual election of directors.

Directors to take oath.

§ 14. The president shall receive such compensation for his services as the directors may allow him; he shall preside at all meetings of directors and stockholders; shall be

Duties of president.

1854.

a member of the board of directors, with power to give the casting vote in case of tie on any question; and it shall be his duty to superintend the interest and affairs of the company, and execute the orders of the board of directors.

Powers of directors.

§ 15. The board of directors shall control and direct the affairs of the company; may ordain and establish all by-laws, rules, and regulations not in conflict with this charter, or the federal or state constitution, which by them may be deemed necessary or proper; may elect a secretary, chief engineer, and such other officers and agents as the convenience or interests of the company may require. Four members of the board shall constitute a quorum for the transaction of business.

Vacancies, how filled.

§ 16. When the office of any director shall become vacant by his election to the presidency, or by death, resignation, removal from the county or otherwise, the board of directors remaining shall have power to fill such vacancy for the unexpired term. And they shall have a similar power in case the office of president becomes vacant.

Delinquent stock may be sold.

§ 17. The board of directors shall have power to coerce by suit any subscription of stock remaining unpaid after it becomes due, or may sell the stock at public auction for the amount and interest due and for costs of sale, after twenty days notice of the time and place of sale, advertised in a paper printed in the county where the subscriber or his representative lives; and if there is no such paper, then written notices posted at three public places in the county where he lives shall be sufficient. In case of a non-resident of the state, a notice in the Maysville Eagle must be published. If there be any residue over the amount due and costs, it shall be paid over to the former owner of the stock.

§ 18. The board of directors may at any time change the route and location of their road, whenever any other route or location shall be deemed more advantageous.

May construct branch roads.

§ 19. The company shall have power to locate and construct branch roads from the main line to any other towns or places in the several counties, through or near which said road may pass: *Provided*, the construction of such branch or branches does not destroy the vested rights of other corporations. And it shall be lawful for all subscriptions of stock, either by individuals, counties, cities, towns, or other corporations, made for the construction of any branch railroad, as herein provided for, to be kept in a separate book, and the stock issued therefor to be separately designated; the cost of constructing, maintaining, and running said branch, as well as the receipts and dividends, to be separate from those of the main line, unless the board of directors may otherwise agree with said branch stockholders, and direct accordingly.

§ 20. The company are hereby empowered to purchase, receive by donation or grant, and hold such lands and other real estate and right of way as may be necessary or convenient for the objects and business of the company; and may by their officers, engineers, or agents enter upon, possess, and use all such lands and real estate, and erect thereon whatever structures they may desire; and may also by their engineers and agents enter upon such route, place, or enclosure as may seem advantageous for the construction or change of the road, its branches or structures, for the purpose of examining, surveying, or selecting the same.

1854.
Privileges of
company.

§ 21. On the application of said company, the county court of any county through which said road or its branches may pass, shall appoint a civil engineer and two impartial commissioners, whose duty it shall be to receive from the owners of the land and those having any interest therein, through which said road or any of its branches may pass, a grant of the right of way; and said engineer and commissioners, or either of them, shall have the same power to take acknowledgments of the grantor that clerks of county courts now have; also to take the privy examination of married women, and certify said acknowledgments and examinations; and the county court clerk shall receive and record the grants with the certificates; and said grants shall be effectual to vest in the company all the rights intended thereby; and the grants of the right of way may include the right to stone, earth, gravel, and timber on the granted or adjoining lands, for the making or repairing of said road or branches.

How right of
way may be pro-
cured.

§ 22. In all cases where the owners or occupiers of land, from any cause, shall fail or refuse to grant the right of way, it shall be lawful and the duty of said engineer and commissioners, or any two of them, from their own view, and such evidence as shall be presented to them, to value the land separately required for the road, and the advantages the road will confer on the owner of the adjacent land separately, and the disadvantages to the adjacent land separately, and make report of the same, together with a map of the road through such county, to the clerk of the county court, with the names of the owners of the lands through which the road runs, and which are adjacent; and whether they are residents or non-residents of the state, and adults or infants; and it shall be the duty of said clerk to issue a summons against all such owners to show cause why the grant of the right of way shall not be made, on the payment of the value of the land required, and any balance of disadvantages over the advantages to the adjacent land, as reported, if any such balance exists; and upon the service of such summons on the owner, if in the county, and if not, on his agent if he have one in the county, ten days before court, the presiding judge of

How lands,
&c. may be con-
demned.

Proceedings
in court.

1854.

In case of non-
residents of the
county.

the county court shall have jurisdiction, on said report, to order the assessed value of the land and any balance of disadvantages reported, to be paid to the owner, and a grant of the right of way to be executed to the company by a commissioner to be appointed by the court for that purpose: *Provided*, that if the owner be out of the county, and have no known agent within the same, it shall be lawful to send the summons to any county in the state where the owner is, or his authorized agent; and if such owner be a non-resident of the state, and have no known agent within the state, the court shall make an order of appearance to a named day, not less than four weeks from the date of the order, and appoint an attorney to correspond with the owner and defend him; and when the owner is an infant, the court shall appoint a guardian *ad litem* to appear for such infant and make defense; and it shall be lawful for the court to take up the case as to any one owner who is before the court, without waiting until all are served.

Report may be
traversed.

Proceedings
thereon.

Appeals.

§ 23. It shall be lawful for the company, or for the owner, to traverse the report, or for both to traverse it, and claim a jury to value the land required for the road, and to assess the damages to the adjacent land, and the advantages the road will confer on the same—all which shall be done separately; and thereupon the court shall cause a jury to be impaneled to try the traverse or traverses in open court, and under its direction, and to order the value of the land found by the jury to be paid; and if the disadvantages shall be found to be greater in value than the advantages to the adjacent land, to order the balance of the amount of disadvantages assessed after deducting the advantages, to be paid also; and the court shall have the right to grant to either party a new trial, for the same causes and under the same rules that new trials are granted in suits at law; and either party may appeal or take a writ of error; but no appeal or writ of error, or order granting a new trial, shall prevent the company from proceeding to use the land, after a tender is made of the value and damages assessed.

§ 24. Whenever it shall be deemed necessary or convenient for the construction of said road or its branches, to intersect or cross any stream or water course, road or highway, lying in or across the route of said railroad or branches, it shall be lawful for the company to construct the railroad or branches across or upon the stream or water course, and to cut or cross any such road or highway, and to change the location thereof during the construction of the railroad, or permanently if necessary: *Provided*, said company shall either restore the stream, water course, road, or highway, thus interrupted, to its former state and location, or in case of permanent change shall so re-arrange or re-construct it as not to destroy its usefulness; and the

grade of any road so restored shall not exceed the heaviest grade upon said road as now existing.

§ 25. Any other railroad company which has been or may be chartered hereafter in this state may connect with this road or branches, and full right is hereby reserved to to the state or individuals, or any incorporated company, to cross this road or branches: *Provided*, any other railroad so connecting shall diverge therefrom, in its general direction, at an angle of not less than twenty degrees: *And provided further*, that in so connecting, or in crossing this railroad or branches, no injury shall be done to the works of this company; and no crossing shall be at grade.

Other railroads may connect with or cross said road.

§ 26. Any road connecting with this road or branches, and of the same gauge, may have its cars drawn by the Mayeville and Lexington Railroad Company over their road or branches, without delay or transshipment, on such terms may be agreed on.

§ 27. The said company shall be entitled to collect such tolls and rates for travel and transportation over their road as the board of directors may adopt and order to be charged.

Rates of toll.

§ 28. The board of directors shall semi-annually declare such dividend of the net profits earned, after deducting the interest payable on the bonds of the company, and the necessary current and probable contingent expenses, as they may deem proper; and shall divide and pay the same to the stockholders in proportion to their shares.

Semi-annual dividends to be declared.

§ 29. The board of directors are hereby authorized and fully empowered to borrow money upon the credit of the corporation, on such terms, for such times, in such places, and to such amounts as they may deem advisable. And they may execute and issue such bonds, or other evidences of indebtedness, as they may think proper, and pledge by mortgage, deed of trust, or otherwise, the property, franchises, rights, credits and profits of the company as security for any bonds, loans, liabilities, or contracts which they have made or may hereafter make; and all bonds hitherto issued, or which may be issued by the company, shall be and are hereby declared binding and obligatory; and all sales of bonds heretofore made, although below their par value, are hereby declared legal and valid.

Directors may borrow money and issue bonds therefor.

§ 30. The board of directors are hereby authorized and empowered to agree to pay any rate of interest not exceeding seven per centum per annum, payable semi-annually in the city of New York; and to sell any bonds already issued or which may hereafter be issued, at any rate below par which they can procure and may deem for the interests of the corporation.

May sell their bonds.

§ 31. The different mortgages already executed by said company are hereby declared legal and binding, and the rights intended to be secured to the trustees and beneficiaries are hereby confirmed.

Former mortgages legalized.

1854.

Directors may
hypothecate
stock.

How bonds to
be signed.

Corporations
may indorse
bonds of said
company.

Company may
subscribe to oth-
er railroads.

§ 32. The board of directors are fully authorized to negotiate or hypothecate the stock or bonds of the company, at any rates deemed advisable, in the United States or in Europe, for money or railroad iron, or machinery, and any contract authorized by them is hereby declared legal and obligatory on the company.

§ 33. The bonds which may be issued by the company shall be signed by the president and countersigned by the secretary, and shall bear the seal of the corporation; and all contracts, negotiations, sales, and hypothecations, authorized by this act, may be conducted and consummated by the president, under the orders of the board of directors.

§ 34. The company shall have the power of procuring and receiving the indorsement of any number of their bonds deemed requisite, by any corporation, public or private; and the cities of Maysville, Lexington and Louisville are hereby authorized, upon application of the company, to take the vote of the citizens of said cities, at any time, and upon such notice as the councils of said cities may respectively determine; and if a majority of the votes cast in either city is in favor of the indorsement, the city council of such city is hereby empowered to indorse such number of the bonds as the company may ask for in such application. And a vote of the citizens of Maysville is hereby authorized to be taken, in the same manner, by order of the city council, to ratify and confirm the indorsement hitherto ordered and executed by said council, of two hundred of the second mortgage bonds of said company; and if a majority of the votes cast shall be in favor of such ratification and confirmation, an order of said council shall be immediately made accordingly; and said indorsement shall be legal and binding on said city. And the Lexington and Frankfort Railroad Company, and the Louisville and Frankfort Railroad Company, may each indorse such number of said bonds as a majority of their respective stockholders, at a meeting called upon two weeks notice, may direct. The form of indorsement shall be in the case of cities, by the indorsement of the presiding officer of the city councils or boards of aldermen, countersigned by the city clerk, with the seal of the city; and in the case of companies, by the indorsement of the president, countersigned by the secretary, with the seal of the corporation, if any.

§ 35. The company may subscribe, or loan its credit, to such other railroad companies as may connect with, or are in extension of, the line of this road; and they may issue their bonds and loan their credit in aid of such branch roads as by this act they are authorized to make: *Provided*, such subscription, loan of credit, or issue of bonds, shall be approved by a majority of two-thirds of the stock

1854.

Penalty for obstructing, &c. said road.

Former acts repealed.

represented at a meeting of stockholders called on twenty days notice.

§ 36. If any person or persons shall wilfully, by any means whatever, obstruct, injure, impair, or destroy any part of any railroad or branch, constructed by said company under the previous charter, or this act, or any of their works, buildings, carriages, vehicles, or machinery, such person or persons so offending shall, each of them, for every offense, forfeit and pay to the company a sum equal to twice the value of the property destroyed, or cost of the injury thereto, or twice the damages sustained by the company by reason thereof, which may be recovered, at their pleasure, by said company by action in the circuit court of the county wherein the offense was committed; and such offender or offenders shall also be subject separately to such penalties as are prescribed by the penal laws of the commonwealth.

§ 37. The original act of incorporation of March 4, 1850, and the amendment thereto of February 17, 1851, are hereby repealed without prejudice to any act of said company previous to the approval and operation of this act, or to any right acquired by said company or through them under said original or amended acts.

§ 38. This act shall be in force from its passage.

Approved February 4, 1854.

CHAPTER 129.

AN ACT to amend the charter of the Dry Creek and Covington Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said company, by a majority of its directors, may remove and establish the gate on said road at any point between the town of Ludlow and the White Hall Tavern, on the Ohio river, that may be deemed right and for the interest of the said company: *Provided,* the rates and charges of toll shall be in proportion to the distance travelled on said road, as compared to the present rates and charges.

Approved February 6, 1854.

CHAPTER 130.

AN ACT to amend the charter of the Lexington and Covington Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said company is hereby authorized and empowered to make such arrangements with the city council of Covington as may be agreed upon by said com-

1854.

pany and said city council respectively, in reference to that portion of the Covington and Lexington turnpike road in the corporate limits of said city, so as to place that part of the road, or any portion thereof in the city of Covington, under the direction of said city council: *Provided*, that no arrangement made as herein provided shall be so construed as to lessen or shorten the distance of said road: *And provided further*, that the city council of Covington shall keep that part of said road, so placed under her control and authority, in good repair.

§ 2. That said company, by a majority of the directors, may remove gate No. 5, and place the same at any place between the twenty first and twenty second mile points on said road.

§ 8. That said company may remove any other gates on said road, and establish them at such points as they may deem right, and for the best interest of said road: *Provided*, that where the gates of said road are less than five miles apart the rates of toll shall be in proportion to the distance travelled on said road, as compared to the present rates and charges.

Approved February 6, 1854.

CHAPTER 131.

AN ACT for the benefit of the Louisville and Oldham Turnpike Road Company.

WHEREAS, the Louisville and Oldham Turnpike Road Company have found it necessary for the completion of their road to issue the bonds of said company, payable five years after date, to procure the means for the purpose aforesaid,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the bonds, payable five years after date, heretofore or hereafter issued by said company, to the amount not exceeding twenty-five thousand dollars, are hereby legalized and declared valid and binding upon said corporation; and all acts heretofore done by said corporation, in respect to said bonds, as to the sale and terms of sale, rates of discount or of interest thereof, shall be and the same are hereby legalized; and said corporation shall have power to sell or dispose of said bonds on such terms, at such times and places, and at such rates of discount, as may be by said corporation deemed expedient; and this act shall have all the force and effect in regard to said bonds heretofore issued as if the same had been passed previous to the issuing thereof.

Approved February 6, 1854.

CHAPTER 132.

1854.

AN ACT to amend the charter of the Danville and Hustonville Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Hustonville are hereby authorized and empowered to receive certificate or certificates of stock, to the amount of three hundred dollars, in the Danville and Hustonville Turnpike Road Company, being the amount subscribed in their behalf, and to receive dividends, and hold the same as trustees aforesaid; and they are authorized to levy a tax, and collect the same to discharge the aforesaid subscription.

§ 2. That the president and directors of the Danville and Hustonville Turnpike Road Company are hereby authorized and empowered to locate the half gate, for the two miles and three quarters over ten miles, at the gate nearest to Danville, and to collect the half toll for the said two miles and three quarters at the aforesaid gate next to Danville.

Approved February 6, 1854

CHAPTER 133.

AN ACT to incorporate the Christian Church in Garrard county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Feathergall Adams, Jones L. Adams, and Walter B. Middleton, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of the "Trustees of the Christian Church in Garrard county;" and by that name to have perpetual succession, for the purpose of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, so far as may be necessary to protect and preserve the rights, titles, privileges, and immunities of said church, which may now or shall hereafter belong to the same; also to buy any lot or lots, and receive conveyances thereto, or for any other real estate, which may have been heretofore purchased by the trustees of said church, or by other persons for the use of the same, or which may be hereafter given or devised to them for the use of said church; all of which property shall pass to them or their successors in office forever, pursuant to the desire or express limitation of the donor or grantor.

Corporate name and powers.

§ 2. That the said trustees, hereby appointed, shall continue in office so long as they shall continue to be members of said church, unless they shall sooner resign or refuse to act; and whenever vacancies may occur it shall and may be lawful for the same to be filled pursuant to said church discipline, and the rules and regulations of said trustees.

Vacancies of trustees, how filled.

1854.

Duties of trustees.

§ 3. That a majority of said trustees shall constitute a quorum to do business, and as such it shall be their duty, and they are hereby authorized and empowered, to keep a fair record of all their proceedings, and to appoint all such officers as they may see proper, in pursuance of their discipline, and to pass all such by-laws and regulations relative to the government and control of said building and church as they may think proper, not inconsistent with the constitution of the United States, of this state, or the laws of the same.

§ 4. The general assembly hereby reserves the right at any time to change, modify, or repeal this act.

Approved February 6, 1854.

CHAPTER 134.

AN ACT to extend the limits of the town of Shepherdsville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the corporate limits of the town of Shepherdsville, in Bullitt county, be and the same are so changed and extended as to include the four acre lot of Frederick Travis, lying on the west side of said town, also to include the residence of the late H. F. Kalfas, deceased; and that they shall be subject to the same rules and regulations as other lots in said town.

§ 2. This act shall take effect from its passage.

Approved February 6, 1854.

CHAPTER 137.

AN ACT for the benefit of the Henderson and Hibbardsville Plank Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the president and directors of the Henderson and Hibbardsville Plank Road Company, under the general law, be and they are hereby authorized to contract for a loan of money, not exceeding five thousand dollars, to complete said road; and said president and directors may in their discretion execute to the person or persons from whom they may obtain such loan, a mortgage on the road now in progress, for the ultimate payment of said five thousand dollars; and if in the construction of said plank road it should cost more than fifteen thousand dollars, then and in that event said president and directors may contract for a loan over and above the sum of five thousand dollars in order to complete said road: *Provided,* that said president and directors shall not borrow exceeding one dollar for every two dollars of stock subscribed and paid in.

Approved February 4, 1854.

CHAPTER 138.

1854.

AN ACT to amend the charter of the Frankfort and Lawrenceburg Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the president and directors of said company to lease out their road for any term of years they may deem proper, for the purpose of completing the same; or they may obtain new subscriptions of stock for the purpose of completing the same, in such manner and upon such terms as they may think proper: *Provided however*, that before any lease of said road shall be made, or additional subscription of stock raised, the consent of a majority in amount of the present stockholders shall be obtained in writing.

§ 2. That in case a lease of said road is made, it shall be the duty of said company to take from the lessee an obligation, conditioned to comply in all respects with the terms of the original charter, and with such other conditions as will completely protect all persons using said road against improper or illegal exactions of toll, and to keep the road in good repair at all times during the period for which it may be leased.

Approved February 6, 1854.

CHAPTER 139.

AN ACT for the erection of an additional Justices' District in Todd county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional justices' district and election precinct be and the same is hereby established in the county of Todd, within the following boundary, to-wit: Beginning on the Logan and Todd county line at the nearest point on said line to the residence of Jesse Whitaker, so as to include his residence in said district; thence up Main Clifty, Sulphur Lick fork, and up the Narrows branch, to the Greenville road at the Narrows; thence with said road to the Muhlenburg county line; thence with said line to the Logan county line to the beginning; and that said district shall be known as district No. 7, in Todd county.

Boundaries.

§ 2. That there shall be an election held in said district for the election of two justices of the peace and one constable, on the first Saturday in May, 1854, and at every election for similar officers in said county thereafter, and that the justices of the peace and constable elected at the elections so held, shall be amenable to and governed in all things pertaining to their respective offices by the laws now or hereafter in force in this commonwealth.

Election to be held.

§ 3. That the presiding judge of the Todd county court, at the April term of said court in 1854, shall appoint two judges and one clerk to hold said election on the first Sat-

Judge of county court to appoint officers to hold the election.

1854.

urday in May, 1854, and the sheriff of said county, or his deputy, shall attend as such said election, and said judge, clerk, and sheriff, in holding said election, shall in all respects be governed by the laws now in force in reference to elections; and said justices of the peace and constables so elected in said district shall have the same jurisdiction and power now conferred by law on similar officers in Todd county.

Voting place.

§ 4. That until otherwise altered according to law, the voting place in said district No. 7, shall be at the residence of William P. Gray, in said district.

Approved February 6, 1854.

CHAPTER 140.

AN ACT for the benefit of the Sheriff of Breathitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Breathitt county shall have until the first day of April next to pay into the treasury the balance of the revenue for the year 1853: *Provided,* said sheriff files with the auditor of public accounts the consent in writing of his sureties to the indulgence, on or before the first day of March next.

Approved February 6, 1854.

CHAPTER 141.

AN ACT to incorporate the Salt River Turnpike Road Company.

Corporate name

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be formed, under the name and style of the Salt River Turnpike Road Company, for the purpose of making an artificial road.

Capital stock.

§ 2. The capital stock of said company shall be twenty thousand dollars, divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is insufficient to accomplish the object of this act, then the president and directors may enlarge it to such an amount as they may deem necessary, and open subscriptions therefor in such manner as they may deem proper.

Names of commissioners.

§ 3. Books for the subscription of stock in said company shall be opened on the first Saturday in April, 1854, or as soon thereafter as convenient, at the town of Danville, in Boyle county, under the direction of Jehu Harlan, James Burnett, Charles T. Worthington, A. G. Talbott, and J. G. Cecil; at the Salt river meeting house, in Boyle county, under the direction of Joseph Wigham, Andrew G. Kyle, and Charles Clark, and at the residence of Nelson Rue, in Mercer county, under the direction of Nelson Rue, George Trapnall, and William H. Robinson, or some two or more

of them at each place, who are appointed commissioners. The said commissioners at each place shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books: "We, whose names are hereunto subscribed, promise to pay to the president, directors, and company of the Salt River Turnpike Road Company, the sum of fifty dollars for each share of stock in said company, and agreeably to an act of the general assembly incorporating said company. Witness our hands this — day of —, 18—." The said commissioners, or a majority of them, shall give notice in a newspaper published in Danville or Harrodsburg, of the time and place of opening the books for the subscription of stock in said company, and that they will continue open until the capital stock shall be subscribed.

1854.
Books to be opened.

Covenant to be signed.

§ 4. So soon as six thousand dollars shall be subscribed, the said commissioners, or such of them as may act, shall call a meeting of the stockholders at such time and place as they may appoint, and hold an election for a president and six directors, who shall hold their offices for one year, and until others shall be elected and duly qualified. The said president and directors, before they enter upon the duties of their offices, shall take an oath before some justice of the peace that they will faithfully perform the duties of president and directors, as the case may be, without favor or affection, according to the best of their judgment. Upon the qualification of the president and directors, they shall appoint a treasurer and such other officers as they may deem necessary, who shall hold their offices for one year and until others shall be appointed. The treasurer, before he enters on the duties of his office, shall give bond, with one or more good sureties, in such penalty as the president and directors may direct, payable to the president and directors of said company, conditioned that he will faithfully discharge the duties of treasurer, and that he will, when called on, pay the amount of money in his hands to the order of the president and directors, and that he will perform the duties required of him by the by-laws of said company.

Election for directors, when held.

Other officers to be appointed.

§ 5. Upon the election and qualification of the president and directors as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name and style of the Salt River Turnpike Road Company, and by said name said company shall have perpetual succession, with all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof; of purchasing, taking, and holding to them and their successors and assigns, and of selling, transferring, and conveying in fee simple, all such lands, tenements, hereditaments, and real and personal estate, or as much as may be necessary for them in

Corporate name and powers.

1854.

Annual elec-
tions.Stock certifi-
cates to be is-
sued.General meet-
ings of stock-
holders.Vacancies, how
filled.

the prosecution of the work; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record or any other place; also to have a common seal, and to do all and every matter and thing which a body politic and corporate may lawfully do.

§ 6. That the number of votes to which each stockholder may be entitled, shall be according to the number of shares he shall own; and after the first election no share shall confer a right of voting which shall not have been held three months previous to the election. The stockholders may vote in person or by written proxy; and no person who is not a resident of Boyle or Mercer counties, and a stockholder, shall be eligible as president, director, or treasurer; and the president and directors shall cease to be such on his or their ceasing to be a stockholder. The annual election for a president and directors shall be held annually on the first Saturday in May, at such place as may be directed, at which time the president shall lay before the stockholders an expose of the situation of said company; also the record of their proceedings for the preceding year. The company shall have power to fix the days and places of their annual meetings and general elections, and pass all by-laws necessary for the regulation of their proceedings and interests.

§ 7. The president and directors first chosen as aforesaid, shall deliver a certificate, signed by the president and countersigned by the treasurer, to each stockholder, for the stock subscribed by him and held, which certificate or certificates shall be transferable on the books of said corporation, in person or by attorney; but no share shall be transferred until all the calls and arrearages are paid thereon. The original certificate of the share or shares transferred shall be surrendered, and a new certificate issued to the purchaser, who shall then be a member of said corporation, and entitled to all the privileges and benefits the original owner was entitled to.

§ 8. The president may call meetings of the directors at such times and places as he may deem proper; a majority of all the directors shall constitute a quorum to do business; they shall keep a record at such meetings of their proceedings in a book provided for that purpose. The board of directors may also allow the president and treasurer such compensation as they may deem reasonable.

§ 9. The president and directors shall have power to fill all vacancies that may occur in said board; agree with and appoint all such superintendents, engineers, surveyors, artists, officers, &c. as they shall deem necessary to carry on the work; to fix the salaries and wages; to remove any of them at pleasure; to provide the time, manner and proportions in which the stockholders shall make payments on their respective shares; to carry on said work; to draw orders on the treasurer for all moneys necessary therefor,

and to do all such matters and things as by this charter and the by-laws of this corporation they are authorized to do.

§ 10. The president shall give notice in a newspaper published in Danville or Harrodsburg, for at least twenty days, of the amount of the call on each share of the stock and of the time of payment; if any stockholder shall neglect or refuse to pay his proportion of the stock, for the space of thirty days after the time appointed for payment thereof, every such stockholder, in addition to such installment called for, shall pay at the rate of six per cent. per annum for delay of payment; and if he shall fail to pay such call and the penalty for the space of six months after the time of payment is required, he shall forfeit such share or shares to the corporation, and the amount that shall have been paid thereon, and the president, by order of the directors, after ten days public notice, may proceed to sell such forfeited shares: *Provided*, they will bring the amount due and unpaid upon said share or shares: *And provided also*, that no shareholder shall vote at any election, or be entitled to the rights of a member of said corporation, until the whole amount due and payable as aforesaid on the share or shares by him held, shall have been paid agreeably to the requisitions of the president and directors.

Notice of stock calls to be given.

Forfeited stock.

§ 11. The said road shall be so levelled and graded that when completed its greatest elevation shall not exceed four degrees; the width of the artificial part of said road shall not be more than forty five, and the portion of it covered with metal, gravel, or macadamized stone shall not exceed eighteen feet, and be fully nine inches in thickness or depth from side to side of that width.

Description of road.

§ 12. It shall be the duty of the president and directors to fix the route over which said road shall pass, and for that purpose to employ all necessary engineers, surveyors, artists, &c. at the costs of the company; and they are hereby authorized to enter in and upon the lands and inclosures, public roads and highways in, through, and over which said intended road may be thought proper to pass, and to examine and survey the grounds thereof for quarries, beds of stone, banks of gravel, and other materials necessary for the completion and repairs of said road, and having due regard to economy, they shall locate said road as follows: commencing at or near toll gate No. 2, on the Harrodsburg and Perryville turnpike road; thence running along the present road, on the most practicable route to Andrew G. Kyle's front gate; thence along the most practicable route to the road running past the front gate of Charles T. Worthington; thence the old road, on the best and most practicable route, to the turnpike leading from Danville to Harrodsburg, opposite the gate of William Owsley; along the present road, or the most practicable

Route of road.

1854.

route to the intersection of the Perryville and Danville turnpike road, or near said Worthington's gate.

§ 13. That sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, and thirty-five of an act entitled an act to incorporate the Danville and Hustonville Turnpike Road Company, approved March 1, 1844, be and the same are hereby incorporated as part of this charter.

When toll gate
to be erected.

§ 14. So soon as five miles of said road shall be completed, three justices of the peace in the county in which five miles, or the major part thereof lies, who are not interested in the stock of said company, shall be called on to examine the work, and if they shall certify that the work has been done in conformity with the provisions of this act, the certificate shall be recorded in the office of the county court of said county, and the president and directors may cause a toll gate to be erected across said road, and may collect the tolls and duties hereinafter granted to said company, from all persons traveling with horses, cattle, carriages, &c. In case said disinterested justices cannot be found, the president and directors may give notice thereof to the county court of said county, and the said court shall appoint three fit persons, whose duty it shall be to inspect said road, or so much thereof as shall be completed, and if it shall be their opinion that said road or any five miles thereof continuously, is completed according to the provisions of this act, their report shall be recorded in said county court, and the judge thereof shall enter of record how many gates may be erected, whereupon it shall be lawful for said company to erect a gate for every five miles so completed, and at such places as to them may seem most eligible.

Toll to be charged.

§ 15. When said gate or gates shall be erected as aforesaid, it shall and may be lawful for the president and directors to appoint as many toll gatherers as they may deem requisite, and to collect and receive for tolls, not exceeding the rates allowed by the general laws of this commonwealth for other like roads. The president and directors shall cause printed lists of the rates of toll which they may lawfully demand to be affixed at each toll gate on the road.

Road hands
exempted.

§ 16. That for every two shares of stock subscribed and paid in to said company there shall be exempt from working on the roads in Boyle and Mercer counties, one hand required of the subscriber for that purpose: *Provided*, the county judges of said counties shall order the same.

§ 17. No banking privileges are conferred by this charter, and the general assembly reserves the right to alter, amend or repeal this charter at pleasure.

Approved February 6, 1854.

CHAPTER 142.

1834.

AN ACT incorporating the Hustonville, Liberty, and Columbia Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name and style of the Hustonville, Liberty, and Columbia Turnpike Road Company, for the purpose of making an artificial road.

Style of incorporation.

§ 2. That the capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the capital stock is not sufficient to accomplish the object of this act, then the president and directors may enlarge it to such an amount as they may deem necessary, and open subscription therefor in such manner as they may think proper.

Amount of capital stock.

§ 3. That books for the subscription of stock in said company shall be opened on the second Monday in May next, or so soon thereafter as convenient, at the town of Hustonville, under the direction of William E. Dailey, John W. Reid, Edmond Powell, A. A. Campbell, James M. Hocker, J. E. Lee, George B. Cooper, Jr., C. J. H. Carter, George W. Blain, George Weatherford, and Emmet McCormick; at Liberty, in Casey county, under the direction of John Frye, John Carpenter, Joel Sweeney, C. R. Coffey, F. Whip, Thomas Moore, Thomas Bell, Franklin L. Wolford, Winston Bowman, and Joel Murphy; at Columbia, under the direction of Timoleon Cravens, Junius Caldwell, E. B. Gaither, Z. Wheat, Milton P. Wheat; and at Weatsville under the direction of William P. Williams and Joseph G. Campbell, of Adair, and Patty and James Land, of Casey county, or some two or more of them at each place, who are appointed commissioners. The said commissioners for each place shall procure a book or books and the subscribers to the stock of said company shall enter into the following obligation, to-wit: "We whose names are hereunto subscribed, promise to pay the president, directors, and company of the Hustonville, Liberty, and Columbia Turnpike Road Company the sum of fifty dollars for each share of stock in said company, and agreeably to an act of the general assembly of Kentucky incorporating said company. Witness our hands this day of

Books to be opened, where & under whose direction.

18 ." The commissioners, or a majority of those acting, shall give notice in the newspapers published in Danville of the time and place of opening the books for subscription of stock in said company, and that they will continue them open until the amount of capital stock is subscribed, or a sufficient amount for the completion of said road.

Notice to be given of the time and place of opening books.

§ 4. That as soon as six thousand dollars shall be subscribed, the said commissioners, or such of them as may act, shall at such time and place as they may appoint call a meeting of the stockholders and hold an election for a

Officers to be chosen and how.

1854.

president and six directors, who shall hold their office for one year and until others are elected and duly qualified. That said president and directors, before they enter upon the duties of their office, shall take an oath before some justice of the peace that they will faithfully perform the duties of president and directors (as the case may be) without favor or affection according to the best of their judgment. That upon the qualification of the president and directors they shall appoint a treasurer and secretary, and such other officers as they may deem necessary, who shall hold their office for one year, and until others are appointed. The treasurer of said company shall, before he enters on the duties of his office, give bond with two or more good securities, in such penalty as the president and directors may direct, payable to the president and directors of said company, conditioned that he will faithfully discharge the duties of treasurer, and that he will when called on pay the amount of money in his hands to the order of the president and directors, and that he will perform the duties required of him by the company.

To be divided
into two links.

Road to be let
out.

§ 5. That said turnpike road shall be divided into two links, one the link from Hustonville to Liberty, the other from Liberty to Columbia; and the president and directors may let out either link of said road whenever eight thousand dollars of the capital stock shall be taken, and the remainder when they think a sufficient amount of stock is taken to complete the road; that they may let out any portion of said road to be made of gravel, stone, or plank, as they may deem proper; that they may let out any portion of said road to be paid for in the stock of the company: *Provided*, it does not exceed the engineer's estimate.

Counties may
take stock.

§ 6. That the county courts of Lincoln, Casey, and Adair, a majority of the justices concurring therein, may take stock in said road, and to pay for the same may levy a tax on each hundred dollars worth of property in said counties subject to taxation as will be sufficient for that purpose.

§ 7. That all towns, counties, corporations, and companies may and they are hereby authorized to take stock in said turnpike road company, under such regulations as the president and directors may order and direct.

§ 8. That the provisions, from the fifth to the thirty-fifth section inclusive, of the Danville and Hustonville charter, approved March 1, 1844, be and the same are hereby made part of this charter so far as they do not conflict with the provisions of this charter.

Approved February 6, 1854.

CHAPTER 143.

1884.

AN ACT to incorporate the Louisville Conference High School in the town of Hardinsburg.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an institution of learning shall be and the same is hereby established in the town of Hardinsburg and county of Breckinridge, to be known by the name and style of the Louisville Conference High School; and that the said institution shall be founded and maintained forever for the benefit of every class of citizens of every religious denomination, who shall be admitted to all the privileges and to all the literary honors thereof, under the direction, and control, and supervision of the Louisville Annual Conference of the M. E. Church, South, and the officers chosen by those persons who have or may become members of the association for the establishment of said institution, as hereinafter set forth.

Location, and under whose control.

§ 2. The officers chosen by the association shall be a president, vice president, secretary, treasurer, and board of curators.

What officers to be chosen.

§ 3. It shall be the duty of the president to preside over meetings of the association, and over meetings of the board of curators, of which he shall be *ex officio* a member; to superintend the interest of association and the school; to call meetings of the board when requested by one of the curators if he approve, or by two curators, or four members of the association if he should not approve.

Duty of the president.

§ 4. In case of the absence, resignation, or death of the president, the vice president shall discharge all the duties and be invested with all the rights of the president. If the absence of the president is temporary only the vice president shall act as president *pro tem*. If both president and vice president are absent, the place to be filled with a *pro tem* appointment.

Vice president, powers of.

§ 5. It shall be the duty of the secretary to keep a faithful record of all the proceedings of the association, of the board of curators, and trustees, and to conduct the correspondence.

Duties of secretary.

§ 6. It shall be the duty of the treasurer to receive and keep account of all moneys due, and other property belonging to the association, and account for the same when required; to make up and exhibit to the president his quarterly account; to make an annual exhibit of the state of the funds of the association, and to give bond with sufficient surety, in double the amount of the available funds of the association, for the faithful discharge of these duties.

Duties of treasurer.

§ 7. The board of curators shall constitute a board of managers of the association, whose duty it shall be to transact the business of the association. They shall also, in connection with the president and five appointees of the conference, constitute a board of trustees of the school, of which board of trustees the principal of the school shall

Board of curators the managers.

1854.

be the presiding officer. It shall be their duty to decide upon any nomination of the conference for the filling of any of the instructional chairs of the school, and to decide upon any proposition made by said conference, and in connection with the conference trustees to fix the salaries of officers and teachers, and perform all the duties pertaining to trustees of like institutions of learning, subordinate to the action of this association and the conference.

How the officers to be elected.

§ 8. The officers of the association shall be elected by a majority of the shares represented at their annual meeting at the close of the summer session, and each member shall have the privilege of casting as many votes as he holds shares, either in person or by proxy.

What constitutes membership.

§ 9. Any person may become a member of this association by subscribing \$25, which shall also constitute him the holder of one share in the stock of the company; any person may take as many shares as he may desire. The shares of any member may be assigned or transferred, or in case of death shall vest in his personal representative.

By whom instructors to be appointed.

§ 10. The Louisville Annual Conference of the M. E. Church, South, aforesaid, shall have the right of nominating, either by themselves or agent, all the instructors that shall be engaged in said school; and so long as they continue to nominate competent instructors, they shall have the use of the building and all appurtenances, apparatus, &c. in connection with said school, in accordance with the provisions of this charter.

How institution may be dissolved.

§ 11. Whatever means (if any) the conference may raise for the benefit of the school may be funded as they think proper, and in such way, if they choose, as that they may withdraw the principal of such funds in case of a dissolution of the connection of this association. No dissolution shall occur unless twelve months notice be given by the party wishing it. In case of such dissolution, the right of conference to nominate instructors and appoint trustees shall cease, and shall thereafter vest in the association.

What privileges conferred on conference.

§ 12. Said conference shall have the privilege of sending the sons of any member of the conference, or sons of a deceased minister who died in connection with the conference, free of charge for tuition, so long as the connection with the conference may exist.

§ 13. The conference shall have the privilege of boarding four sons of such of its members or deceased members, in the institution, in addition to the provision of the preceding section, provided they will raise \$5,000, the annual interest of which shall be placed at the disposal of the joint board of trustees, for the use and benefit of the school.

Board and its powers.

§ 14. Jefferson Jennings, Richard P. Kincheloe, Jesse W. Kincheloe, Philo V. Duncan, and David R. Murray, cura-

§ 14.

tors; Rev. James Taylor, Rev. Robert G. Gardner, Buckner Board, William W. Badger, and James G. Haswell, trustees, chosen and appointed as above set forth, are hereby declared to be the joint board of trustees of said institution; and it is further enacted, that they and their successors, by the name of the Louisville High School, shall be, and they are hereby appointed a body politic and corporate; and by that name shall have perpetual succession, and are hereby made able and capable in law to possess, purchase, receive, hold or dispose of for the use of said college, lands, tenements, rents, annuities, in fee simple or for other term; and also money or other personalty, whether in possession or action, of whatever nature, by gift, bargain, sale, or devise, of any person or persons, body politic or corporate, capable to make the same; and the same to sell, alien, and dispose of, in such manner as they shall judge most conducive to the interest of said institution; and shall have power to do all matters and things for the benefit of said institution consistent with this charter and the law of the land.

§ 15. The said trustees and their successors, by the name and style aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, in any court or courts of record, before any judge or justice within this state and elsewhere, in all manner of suits, complaints, causes, matters, and demands, and all and every matter therein to do in as full and effectual a manner as any person or persons, bodies politic or corporate, of like nature within this state may or can do.

Trustees, power to sue, &c.

§ 16. The association, or the officers of the institution, shall have no power to make any contract binding the association for a greater sum than the available effects of the association, nor so as to make any member personally liable for more than the amount subscribed by him.

Powers of the association limited.

§ 17. The profits of the institution, if any, shall accrue to and be subject to the disposition of the association only.

Profits, how disposed of

§ 18. Vacancies to be filled by the same power that made the original appointment, according to the provisions of this charter.

How vacancies to be filled.

§ 19. The joint board of trustees shall have power to make any ordinances, rules, and by-laws not inconsistent with this charter or the laws of the land.

Powers of trustees.

§ 20. That this act shall take effect and be in full force from its passage.

Approved February 6, 1854

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CHAPTER 145.

AN ACT for the benefit of the Sheriff of Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Todd county shall have until the 15th day March next to pay into the public treasury the balance of his revenue, and if paid by that time said sheriff shall be released from all interest and damages.

Approved February 6, 1854.

CHAPTER 146.

AN ACT to authorize the county of Fayette to issue bonds to the Covington and Lexington Railroad Company, in lieu of lost bonds.

WHEREAS, the county of Fayette, by virtue and under the authority of an act of the general assembly of this commonwealth, approved January 25, 1851, subscribed for four thousand shares of the capital stock of the Covington and Lexington Railroad Company, and on the first day of September, 1851, issued one hundred bonds of said county, numbered from one to one hundred, consecutively, for one thousand dollars each, payable in thirty years, bearing interest at the rate of six per centum per annum, payable semi-annually at the bank of America, in the city of New York, with coupons attached, which bonds were payable to and received by said company in payment of so much of said subscription to the stock; and after being indorsed by the said company, it is represented to this general assembly that twenty of said bonds, numbered from fifty-two to seventy-one, inclusive, within a few weeks afterwards were stolen or casually lost, and though diligent search and inquiry have been made for them, no portion of them have been recovered; and whereas, the said company desires the county to make a further issue of twenty bonds of the denomination aforesaid, in lieu of those lost, but it is doubtful whether there exists legal authority for the county to do so. For remedy whereof,

Petition to be filed in Fayette circuit court.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for said railroad company to file a petition in the Fayette circuit court against the said county and the unknown holders of said bonds, if there be any, and cause process to be executed upon the presiding judge of the Fayette county court, and an order of warning to be made against said unknown holders, if any there be, and published as the court may require; and upon the said court being made satisfied that said bonds have been lost and not recovered, and the said company having executed bond to the satisfaction of the court, conditioned to indemnify and save harmless the county from all loss, damage, cost, and charges arising from or in consequence of said lost bonds, or for the can-

Proceedings had thereon.

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or redemption of the same, should the county be required to redeem them; it may order and decree that said bonds, if in existence, shall be delivered up to be canceled, and declare the said bonds null and void; which decree shall be conclusive against the validity of said bonds, unless within three years from the rendition of said decree, one or more of said bonds shall be produced, and good cause shown for opening said decree. The said court shall also order the county court to issue twenty more bonds of the amount of one thousand dollars each, redeemable in thirty years from their date, bearing the same interest as those lost, and in all respects like them, except as to their dates and numbers.

§ 2. The said circuit court shall cause the publication of such orders in said proceedings as in the discretion of the court shall be deemed proper.

§ 3. The company shall be required to bear the expense of said proceeding, unless the court shall, for sufficient cause, otherwise order.

Approved February 6, 1854.

CHAPTER 147.

AN ACT to amend the charter of the Covington and Lexington Railroad Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Covington and Lexington Railroad Company be and the same is hereby authorized and fully empowered to borrow money upon the credit of the corporation, on such terms, at such rate of interest, for such times, in such places, and to such amounts as the directory of the company shall deem the interest of the company to require. And the said company may execute such evidences of indebtedness as may be deemed proper, and pledge the property, franchises, rights, and credits of the corporation as security for any loan, liability, or contract which they have made or shall make; and all bonds by the company issued and made, or which may be issued or made for the purposes aforesaid, shall be binding and obligatory upon the said company; and said company may sell and dispose of said bonds below their par value, if deemed advisable.

May borrow money, execute their bond, and pay interest on the same.

§ 2. That the said company may issue bonds in pursuance and in accordance with the mortgage executed by the company, on the 8th day of April, 1853, to James Winslow, Esq., of the city of New York, for one million of dollars, to the number therein set forth; and when said bonds shall be executed and delivered, they shall be embraced in and secured by said mortgage and the terms thereof, in as full a manner, and as binding and obligatory, as if the said mortgage had been executed at or after the time of

Legalizes the issue of former bonds.

1854.

May negotiate
their bonds.

the issuing of said bonds; and said company may negotiate, hypothecate, or sell said bonds, or any portion of them, at such times and places, at such rates, and on such terms, as they may deem proper; and the said bonds, as also the bonds heretofore issued, though sold under par, shall be and the same are hereby declared to be valid and binding upon the company, and its rights, property, franchises, and credits, to all intents and purposes.

May increase
the capital stock

§ 8. The said company shall also have power and authority to increase the capital stock of said company, and issue and dispose thereof by sale, hypothecation, or otherwise, as the directory shall think best for the interest of the company: *Provided*, that before the stock shall be increased with the view to hypothecate or sell the same for less than par value, a majority of the stock represented at a public meeting, held for the purpose, on thirty days notice by publication in the newspapers of Covington and Lexington, shall vote therefor.

May connect
with any other
railroad

§ 4. The said company may connect with any other line or lines of railway, and any cars or freight from and for any other company which may be agreed upon, and charge reasonable rates therefor.

May erect telegraph lines.

§ 5. The company may construct telegraph lines along the main road or any branch, and keep batteries at such points or places as they may deem proper, and make such connections with other lines as may be desired.

Rates of freight.

§ 6. The rates of freight to be charged by said company shall be fixed by the directory, and may be by the ton, hundred, car, or specific article: *Provided*, when the charge shall be by the ton or barrel, the through rates shall not exceed three and one half mills per mile per one hundred pounds, nor one cent per mile per barrel, and other through rates in proportion.

May subscribe
stock in other
railroads.

§ 7. That said company may subscribe for stock in or loan its credit to such other railroad companies as have made, and may make connection with or are in extension of the line, or any branch of said railway, and are of the same gauge; and any subscription heretofore made for the above purpose is hereby rendered valid. For the payment of any such subscription the directory may provide means by the issue of bonds, or otherwise, as shall be deemed best for the company: *Provided*, that before any such subscription or loan of credit shall be made, a majority of two-thirds of the stock represented at a public meeting of the stockholders held for the purpose, upon the notice hereinbefore prescribed, shall vote therefor.

Approved February 6, 1854.

CHAPTER 148.

1854.

AN ACT for the benefit of Isaac Johnson and Green Gill.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of fifty dollars be allowed and paid to Isaac Johnson for keeping Mary Ann Vest for one year; and also that the sum of fifty dollars be allowed to Green Gill for keeping ——— Lamaster, an idiot, for one year; the sums above allowed to Johnson and Gill to be paid out of any money in the public treasury not otherwise appropriated.

Approved February 6, 1854.

CHAPTER 149.

AN ACT to incorporate the Breckinridge Cannel Coal Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John S. Lightfoot, George W. Hite, Abel Bennett, Jr., Charles T. Pierson, John Thompson, Isaac Otis, D. R. Martin, Lora Nash, Joseph M. Brown, Charles G. Curtis, F. M. Kelley, E. J. Townsend, Lyman Dennison, Charles Dennison, Jr., James K. Place, Abiel Mills, Henry Wilbur, and Samuel F. Headley, or any nine of them, their associates, successors, and assigns, be and they are hereby constituted and created a body politic and corporate, by the name and style of the "Breckinridge Cannel Coal Company;" and by that name and style to have perpetual succession, for the purpose of mining coal and iron ores; manufacturing iron and lumber, and for transacting all the usual and necessary business of companies in mining, manufacturing, transporting to market, and selling of coal, ores, and other products; and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter at pleasure, to make rules and by-laws for the regulation and management of said corporation, consistent with the laws of this commonwealth and of the United States, and generally to do and execute for the well-being of said company whatsoever shall lawfully pertain to such bodies politic: *Provided always,* that nothing contained in this act shall be so construed as to give or confer upon said company and banking privileges.

Corporate name and powers.

§ 2. That said company shall have the right to hold, by purchase or lease, any and all such lands, tenements, coal rights, ore rights, mining rights and appurtenances, rights of way, buildings, real, personal, and mixed property as they may deem necessary for the well-being and advantage of said company, and the same or any part thereof to use, occupy, sell, lease, let, or otherwise dispose of as the directors or company may from time to time see proper.

Privileges granted.

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May purchase
certain property
held in trust.

How value to
be ascertained.

Capital stock.

Appraisers to
make report to
governor.

§ 8. That the incorporators named in this act, or a majority of them, may and they are hereby authorized to purchase for and in the name of the "Breckinridge Cannel Coal Company," as hereinafter provided, all those certain lands, mines, coal rights, mining privileges, rights of way, railroads, mills, buildings, improvements, property and effects now held in trust by Johnson & Bennett, or by C. T. Pierson, Samuel F. Headley, Joseph Benjamin, Abel Bennett, Jr., Henry S. Terbell, or any or either and all of them, for the "Breckinridge Cannel Coal Association," and situated and being in the counties of Breckinridge and Hancock, state of Kentucky: *Provided*, that in making such purchase the price or sum paid for the same shall not exceed the appraised value thereof to be made as hereinafter provided, to-wit: The governor of this commonwealth is hereby authorized and required, at the proper charges and costs of said company, to appoint and commission three discreet and disinterested persons, citizens of this commonwealth, two of whom (at least) shall as soon thereafter as practicable, after being first sworn or affirmed to discharge the duties enjoined by this act with fidelity, proceed to view, and from the best evidence they can obtain, and according to the best of their judgment, appraise and value as hereinafter provided, all the real and personal estate, property, and effects and expenditures of the aforesaid association, as the same shall be exhibited to them by the said Johnson & Bennett, C. T. Pierson, Samuel F. Headley, Joseph Benjamin, Abel Bennett, Jr., Henry S. Terbell, or any of them, as the property of said association, as owned by or held in trust for the same as aforesaid: *Provided*, that in fixing the value thereof by said appraisers it shall be at such sum as in their opinion will yield to the stockholders, under proper management, when all the works are completed and the products of said mines are marketed, not less than twelve per cent per annum upon said appraised valuation; and the real and personal property, railroads, and effects so purchased shall constitute the capital stock of said company to the amount of such appraised valuation; and the same shall be divided into such number of shares of stock, and of such denomination, as a majority of the incorporators named in this act may at their first meeting after such appraisement determine; and it shall be the duty of said appraisers, or any two of them, to make report of their proceedings to the governor of this commonwealth, who shall cause the same to be entered of record in the office of the secretary of state; and thereafter upon satisfactory evidence made to the governor that the sale and transfer of all the real and personal estate, railroads, and effects of said association has been made to said company in accordance with the provisions of this act, and that the said company has been organized by the election of its officers, together with the

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number and denomination of the shares of stock, he shall cause proclamation of the same to be made, and a copy hereof, under the seal of the commonwealth, furnished said company upon the application of any of its officers. And thereafter, the said company shall be duly constituted and authorized to transact business, and to do every act and thing set forth and contained in this act: *Provided*, that if the persons or any of them appointed by the governor under this act, from any cause, shall not discharge his duties herein enjoined upon them, others may from time to time be appointed by the governor, who shall have all the powers, and be subject to all the conditions, conferred and provided by this act, in reference to said appointment.

§ 4. The affairs of said company shall be managed by seven directors, to be chosen annually from the stockholders. The first election shall be held at such time and place as a majority of the incorporators named in this act shall determine; of which election public notice shall be given at least ten days prior thereto, in two newspapers published in the city of Louisville, and by written notice to each of the shareholders; and the subsequent elections shall be held annually, at such time and place as the directors from time to time may fix and determine; of which election notice shall be given in such manner as the directors shall deem proper: *Provided*, that in the event of a failure to elect, the former directors may continue in office, and shall transact business until their successors shall be elected and undertake to perform the duties of their office.

Election of directors.

§ 5. That the election for directors shall be held by ballot, and each stockholder shall be entitled to one vote for each share of stock held by him and standing to his credit upon the books of the company: *Provided*, that no share shall confer the right of voting which shall have been transferred within one calendar month prior to the day of such election, nor unless it be bona fide held or owned by the person or persons in whose name or names it appears upon the books of the company, or in the right of his wife, or as executor, administrator, trustee, or guardian, or in the right or for the use of a co-partnership, society or corporation of which he or she may be a member; and all votes by proxy shall be regulated by the rules and by-laws of the company, and said stock shall be deemed and held as personal property, and transferable in such manner as said company shall determine and direct.

How election to be conducted

§ 6. That the directors shall, as soon as convenient after their election, choose one of their number as president, to serve for one year or until his successor shall have been elected. They shall also have power to appoint a treasurer for said company, who shall hold his office for one year, or during the pleasure of said directors; and the treasurer so appointed shall, before entering upon the duties of his

Directors to choose other officers; their duties.

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office, give or enter into bonds to the company in such sum or sums and with such security as the directors shall determine, conditioned for the faithful and proper discharge of all the duties of his office as treasurer, and the payment of all moneys received by him, in such manner as the directors may determine. They shall also have power to appoint, during their pleasure and as occasion may require, all other officers and agents of the company, and to confer upon them such power and authority as they may deem the interests of the company shall require, and to supply all vacancies in the board of directors or of the treasury, arising from death, resignation, or otherwise, until the next election. At all meetings of the board of directors, four shall form a quorum to transact business of the company.

Service of process, how made.

Annual list of stockholders, &c. to be filed.

§ 7. That any legal process may be served on any authorized agent, manager, or director of said company; and any such service is hereby declared and made, to all legal intents and purposes, as valid and binding upon the said company, in any and all legal proceedings in favor of or against said company, as if the same were or had been served upon the president and all the directors thereof. Said company are hereby required to file or cause to be filed, within forty days after the first and each annual succeeding election of officers, with the clerks of the county courts of Breckinridge county and Hancock county, and in such other county or counties as they may hereafter own lands, a full and correct list of the holders of stock and the amount of stock held by each shareholder, as shall be exhibited and appear upon the books of the company on the day on which the first election is held, and each and every succeeding annual election; and also a full and correct list of the directors and officers elected at the first election and all future annual elections. The said county court clerks shall record the said lists filed as aforesaid, in the record book used for the time being for recording deeds, and shall receive a fee of two cents for every twenty words so recorded, to be paid by said company, and for which the said clerks may issue fee bills as in other cases.

May complete railroad and make other roads and improvements.

§ 8. That said company shall have power and the right to finish and complete the construction of the railroad or railroads now in process of construction by the association aforesaid, and also to purchase or construct any other road, plank road, or railroad or roads, plank roads, or railroads, with one or more tracks, and depots, and necessary branch roads, from any point or points, place or places on their lands, to the Ohio river, and to such other place or places, road or railroads, as the directors may from time to time see proper, for the purpose of transporting thereon the products of their mines, lands, manufactories, &c., and also to purchase or build and manufacture any and all such railroad cars, locomotives, engines, wagons, carts, tools, ma-

LAWS OF KENTUCKY.

miners, steamboats, barges, boats, crafts, ships, &c., as they may see proper, and to use and dispose of the same in all such ways and manner, in prosecuting and transacting the business of the company, as they may deem advantageous; and said company may transport and freight over and upon said road, or railroad or railroads, (or permit any person or persons so to do,) and in and upon said steamboats, barges, boats, crafts, ships, &c., any coal, iron, lumber, and all mineral, agricultural, and manufactured products, merchandise, and passengers whatever, upon and under such terms and regulations as the board of directors or by-laws of the company may prescribe.

§ 9. That if the said company, (in mining or transporting coal to market, or in mining and manufacturing iron, or in transporting the same or any products of their mines, mills, or manufactories to market, that is, to the Ohio river, or to such other place or places, or railroads as the interest of the company may require,) shall desire to obtain a right of way or railroad over the lands of other persons, or a landing or depot condemned for their use, upon the application of said company to the county court of the county in which the right of way, landing, and depot or any part thereof, may be situate, the county court shall make an order appointing viewers, and proceed in all respects as in cases of application to establish public highways under the existing laws; and upon receiving the report of the viewers shall order a writ of *ad quod damnum*, and cause to be condemned as lands are condemned for public highways, such necessary road or railroads, rights of way, and a landing for a depot or depots, not exceeding two acres in any one place: *Provided*, that in the application the said company shall specify the width and as near as may be describe the road or railroad or land required for the same, as proposed to be viewed and condemned, and also the land, not exceeding two acres in any one place, proposed to be reviewed and condemned for a depot or for a landing for a depot; that the viewers so appointed by the court shall report to the said court that they believe the location of the road, plankroad, or railroad, as proposed, and the use and enjoyment of the land proposed to be viewed and condemned for a depot or for a landing for a depot, would, according to their best judgment and belief, be of advantage to and facilitate the business of, and promote the general interest of the said company to have the proposed right of way for a railroad or other road or depot, or landing for a depot, condemned and established for the use of said company or the public interest; that upon the filing of such report, together with their statement under oath that they have viewed and marked out the road or right of way proposed, or have staked off the same, and likewise as to the proposed depot or landing for a depot, if any is asked for by the com-

How right of
way to be pre-
cured.

Proceedings
in court.

1847
71 W. 20
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1847

pany, the county court in the county in which the premises sought to be condemned may lie, shall order and cause to be issued to the sheriff of the said county or his deputy, or to the jailer or coroner, if the sheriff and his deputy are interested, a writ of *ad quod dnum* as in case of application to condemn land for a public road or highway; and it shall be the duty of the sheriff, his deputy, jailer, or coroner, as the case may be, to proceed to summon and impanel a jury of freeholders of the county, not related to the owner of the land sought to be condemned, nor to any stockholder in the said company, and not residing within one mile of the proposed road or railroad or depot, and he shall together with the jury so impaneled and sworn, proceed as the law directs; and the jury shall view the lands of the proprietors and tenants named in the writ, and ascertain what will be a just compensation to each for the land proposed to be taken, as in cases of holding inquests to establish or condemn land for a public road or highway; and the jury shall proceed, and the sheriff also, or deputy, or jailer, or coroner, as the law directs in such cases, and make due return of their inquest together with the writ; and upon the return of the writ and inquest of the jury, the said court shall, upon the payment of the damages assessed by the jury to the owner or owners of the land, or upon the payment thereof into court by the said company or their agents, make an order condemning the proposed land or right of way for a railroad or other road of the width proposed, not exceeding one hundred feet, and establish the said road or railroad, or other road, and also make an order condemning and establishing a depot or landing for a depot as aforesaid in like manner, for the use, enjoyment, and occupancy of the said company or the public good; and all costs and expenses incurred under these proceedings, as well as all other costs and charges incurred by the several provisions of this act, shall be paid by the said company: *Provided, also*, that the court shall, by its order, make the necessary requisition on said company to make and keep in repair, at suitable points on said road or railroad, suitable grades and causeways to enable the owner or owners of said lands to pass over said road or railroad upon said premises.

§ 10. That it shall be lawful for the president and directors of the said corporation, from time to time, and at all times, to borrow or to obtain on loan or loans, such sum or sums of money, and on such terms, and at such rate or rates of interest as they, or a major part of them, may deem expedient for the use of said company, and to, by and with the consent of two-thirds of the stockholders, pledge and mortgage all or any part of the estate, improvements, privileges, effects, and assets, whatsoever of the said company, for the re-payment of said sum or sums of money so borrowed, at such time or times, as may be agreed upon, and

Company may
borrow money
and secure the
same.

1894.

to issue bonds, with or without coupons, and convertible, in whole or any part thereof, into stock of said company, at any time within five years thereafter; and the capital stock shall be increased accordingly.

General meet-
ings of stock-
holders.

§ 11. That a general meeting of the stockholders shall be held as soon as the company is organized, and annually thereafter, on the second Tuesday in January in each year, or at such other time as a majority of the stockholders at any general meeting may fix upon, and at such place as the board of directors may determine, to which it shall be the duty of the president and directors aforesaid to make a report of the whole condition of the affairs of said company; and special meetings of the stockholders may be called at any time by the president and directors of the said company, or by the stockholders thereof, who shall be proprietors of not less than one-fifth part of the capital stock of said company, by giving ten days notice thereof in one or more newspapers published in the city of New York and Louisville, Kentucky, of the object or objects of said meeting; and in any and every meeting of the stockholders, except for the election of directors, a quorum for the transaction of business shall be the owners and representatives of at least a major part of the stock of said company; and every such meeting of stockholders shall have power to pass anew, alter, or repeal by-laws or resolutions, which shall be binding on the officers and agents of said company; and shall also have power to require settlements, statements, and accounts relating to the business of said company, from officers and agents in their employment; and may also dismiss any president, director, or directors, officers or agent, and appoint others in their stead.

Special meet-
ings, how call-
ed.

§ 12. That nothing contained in this act shall give or confer upon said company any right of a ferry or ferry franchise, or authorize any interference with any ferry privileges now secured to others, or which may hereafter be secured to them by law, nor is said company to have the right to construct any railroad more than thirty miles in length.

No ferry right
granted.

§ 13. The legislature reserve the right to alter, amend, or repeal this charter, should it become necessary, after the year one thousand nine hundred and thirty; and no alteration or repeal shall in anywise operate to the prejudice of creditors or stockholders.

Approved February 9, 1894.

pany, the county court in the county in which the premises sought to be condemned may lie, shall order and cause to be issued to the sheriff of the said county or his deputy, or to the jailer or coroner, if the sheriff and his deputy are interested, a writ of *ad quod damnum* as in case of application to condemn land for a public road or highway; and it shall be the duty of the sheriff, his deputy, jailer, or coroner, as the case may be, to proceed to summon and impanel a jury of freeholders of the county, not related to the owner of the land sought to be condemned, nor to any stockholder in the said company, and not residing within one mile of the proposed road or railroad or depot, and he shall together with the jury so impaneled and sworn, proceed as the law directs; and the jury shall view the lands of the proprietors and tenants named in the writ, and ascertain what will be a just compensation to each for the land proposed to be taken, as in cases of holding inquests to establish or condemn land for a public road or highway; and the jury shall proceed, and the sheriff also, or deputy, or jailer, or coroner, as the law directs in such cases, and make due return of their inquest together with the writ; and upon the return of the writ and inquest of the jury, the said court shall, upon the payment of the damages assessed by the jury to the owner or owners of the land, or upon the payment thereof into court by the said company or their agents, make an order condemning the proposed land or right of way for a railroad or other road of the width proposed, not exceeding one hundred feet, and establish the said road or railroad, or other road, and also make an order condemning and establishing a depot or landing for a depot as aforesaid in like manner, for the use, enjoyment, and occupancy of the said company or the public good; and all costs and expenses incurred under these proceedings, as well as all other costs and charges incurred by the several provisions of this act, shall be paid by the said company: *Provided, also*, that the court shall, by its order, make the necessary requisition on said company to make and keep in repair, at suitable points on said road or railroad, suitable grades and causeways to enable the owner or owners of said lands to pass over said road or railroad upon said premises.

§ 10. That it shall be lawful for the president and directors of the said corporation, from time to time, and at all times, to borrow or to obtain on loan or loans, such sum or sums of money, and on such terms, and at such rate or rates of interest as they, or a major part of them, may deem expedient for the use of said company, and to, by and with the consent of two-thirds of the stockholders, pledge and mortgage all or any part of the estate, improvements, privileges, effects, and assets whatsoever of the said company, for the repayment of said sum or sums of money so borrowed, at such time or times, as may be agreed upon, and

Company may borrow money and secure the same.

1894.

to issue bonds, with or without coupons, and convertible, in whole or any part thereof, into stock of said company, at any time within five years thereafter; and the capital stock shall be increased accordingly.

§ 11. That a general meeting of the stockholders shall be held as soon as the company is organized, and annually thereafter, on the second Tuesday in January in each year, or at such other time as a majority of the stockholders at any general meeting may fix upon, and at such place as the board of directors may determine, to which it shall be the duty of the president and directors aforesaid to make a report of the whole condition of the affairs of said company; and special meetings of the stockholders may be called at any time by the president and directors of the said company, or by the stockholders thereof, who shall be proprietors of not less than one-fifth part of the capital stock of said company, by giving ten days notice thereof in one or more newspapers published in the city of New York and Louisville, Kentucky, of the object or objects of said meeting; and in any and every meeting of the stockholders, except for the election of directors, a quorum for the transaction of business shall be the owners and representatives of at least a major part of the stock of said company; and every such meeting of stockholders shall have power to pass anew, alter, or repeal by-laws or resolutions, which shall be binding on the officers and agents of said company; and shall also have power to require settlements, statements, and accounts relating to the business of said company, from officers and agents in their employment; and may also dismiss any president, director, or directors, officers or agent, and appoint others in their stead.

General meetings of stockholders.

Special meetings, how called.

§ 12. That nothing contained in this act shall give or confer upon said company any right of a ferry or ferry franchise, or authorize any interference with any ferry privileges now secured to others, or which may hereafter be secured to them by law, nor is said company to have the right to construct any railroad more than thirty miles in length.

No ferry right granted.

§ 13. The legislature reserve the right to alter, amend, or repeal this charter, should it become necessary, after the year one thousand nine hundred and thirty; and no alteration or repeal shall in anywise operate to the prejudice of creditors or stockholders.

Approved February 9, 1894.

1854.

CHAPTER 150.

AN ACT to amend an act, entitled, an act to incorporate the Breckinridge Cannel Coal Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to incorporate the Breckinridge Cannel Coal Company, approved February the 9th, 1854, be and the same is hereby so amended as to take effect from and immediately after the passage of this supplemental act.

Approved February 11, 1854.

CHAPTER 151.

AN ACT for the benefit of George Stivers, Sen'r, of Clay county.

Allowed time
to collect.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That George Stivers, sen'r, late deputy and acting sheriff of Clay county, be and he is hereby allowed two years from and after the passage of this act, to collect all taxes, fee bills, county levies, &c., in his hands, due in said county, either as sheriff or deputy sheriff; and he is hereby authorized and empowered to distrain for and collect the same, any law to the contrary notwithstanding. Provided, that before such power is exercised under this act, the said Stivers shall enter into bond, with good security, in the Clay county court, conditioned according to ordinary sheriffs' bonds.*

Liable for illegal acts.

§ 2. That said Stivers shall be liable to the party aggrieved for all illegal acts in the collection of taxes, fee bills, dues, &c., under this act, and shall be subject to the laws now in force against the collection of illegal fees.

Approved February 11, 1854.

CHAPTER 152.

AN ACT for the benefit of the heirs of B. F. Thomas, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor be and he is hereby directed to draw his warrant on the treasurer in favor of George H. Thomas and Louisa French, and her husband William French, heirs at law of B. F. Thomas, deceased, for twelve hundred dollars, to be paid out of any money in the treasury not otherwise appropriated; which sum, when paid, shall operate as a satisfaction of twelve-thirteenths of the judgment of the Montgomery circuit court in favor of the administrator of B. F. Thomas, deceased, against the Owingsville and Big Sandy Turnpike Road Company, and entirely discharge the interest of the commonwealth in said company from all liability for any part of said judgment.

Approved February 11, 1854.

CHAPTER 153.

1854.

AN ACT to establish an additional justices' district and election precinct in Shelby county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an additional justices' district and election precinct, to be known as district No. 8, be and the same is hereby established in Shelby county, with the following boundary: Beginning at the bridge on Big Benson, where the Frankfort and Shelbyville turnpike crosses the county line of Shelby and Franklin; thence with the county line of Shelby and Franklin to the Anderson county line, on the ridge from Hardinsville to Harrisonville; thence with the Shelby and Anderson line to the house of John Sampson, excluding him; thence with the ridge road to Willis Shouse's; thence to John Cook's, excluding him; thence to Samuel Tinsley's, excluding him; thence with the Beech creek road to Philip Slaughter's, including him; thence with the said road to the turnpike; thence with the said road to the New Castle road; thence with the same to Charles W. Lauson's blacksmith shop, excluding him; thence with the Frankfort road to the Shelby and Franklin county line; thence with the same to the beginning.

District No. 8.

Boundary.

§ 2. That an election for two justices of the peace and one constable for said district shall be held therein, at the house of B. F. White, in Hardinsville, on the first Monday in April next; and the Shelby county court, at its next February or March term, shall appoint the proper and necessary officers to hold and conduct said election; and it shall be the duty of the sheriff of said county to attend and superintend the same, and in all respects said election shall be held and conducted as other elections are required by law to be conducted.

Election to be held therein.

§ 3. That the district hereby established shall be a voting precinct at all elections hereafter held in said county, and Hardinsville shall be the voting place therein; and elections in said district shall in all respects be conducted as in other election precincts and places of voting in said county.

Voting place.

§ 4. That after the said election in April next, the comparison of the polls and returns to the secretary of state shall be made as now required by the general election laws. The justices elected shall be commissioned, and they and the constable elected shall hold their offices respectively until the next general election of justices and constables, and until their successors are duly qualified.

Polls, how to be compared.

Approved February 11, 1854.

LAWS OF KENTUCKY.

CHAPTER 155.

AN ACT to incorporate the St. Stephen's Benevolent Graveyard Society.

Society incor-
porated; their
powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the St. Stephen's Benevolent Graveyard Society is hereby incorporated and declared to be a body politic, capable in law of suing and being sued, of contracting and being contracted with, of purchasing and holding real estate sufficient for the purposes of a graveyard; and said society may, in its corporate capacity, hold the real estate now belonging to it.

May make by-
laws, &c.

§ 2. The said society may make all by-laws, rules, and regulations for its own government and the management of its affairs, not inconsistent with the laws of this state; and if at any time it may be necessary to sell the real estate it has, and to purchase other real estate, the said society may provide in what manner and by whom said real estate shall be conveyed.

§ 3. The general assembly reserves the right to amend or repeal this charter at pleasure.

Approved February 11, 1854.

CHAPTER 156.

AN ACT to change the place of voting in Scaffold Cane District, in Rockcastle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in Scaffold Cane District, in Rockcastle county, be and the same is hereby changed from the house of Parker Williamson to Dodville.

Approved February 11, 1854.

CHAPTER 157.

AN ACT to incorporate the Hustonville and Coffey's Mill Turnpike Road Company.

Style of incor-
poration.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company is hereby created, under the name and style of the Hustonville and Coffey's Mill Turnpike Road Company, for the purpose of making an artificial road from Hustonville, in Lincoln county, to Coffey's or Riffe's mill, in Green river, in Casey county.

Capital stock.

§ 2. That the capital stock of said company shall be twenty thousand dollars, divided into shares of fifty dollars each; and if it shall be found that said capital stock is not sufficient to complete said road, (including bridges,) then the president and directors may increase the same, and open books for its subscription.

§ 3. That books for the subscription of said stock shall be opened on the first Monday in May, 1854, at Hustonville, under the direction of Joseph Cooper, Walter Nichols, W. L. Williams, John F. Drye, C. Shipman, Maj. George Carpenter, Joseph Page, D. S. Jones, and Robert Blain; and at Middleburg, in Casey county, under the direction of George Hume, John Estis, Randolph Cloyd, P. B. Riffe, George O. Riffe, Nathan Coffey, and Allen Butt. Any two of said commissioners shall be competent to receive subscription for stock in said road. The subscribers of stock shall sign, in a book provided for that purpose, an obligation as follows, to-wit: "We whose names are hereunto affixed, do severally promise to pay to the president and directors of the Hustonville and Coffey's Mill Turnpike Road Company, the sum of fifty dollars for each share of stock annexed to our respective names, as witness our hands this — day of —, 18—. The said commissioners shall give notice of the time and place of opening books for subscription, by advertising the same in the Danville Tribune, or some other newspaper, at least two weeks before the time, and may continue them open until the capital stock is taken: *Provided*, that if from any cause the said books should not be opened on the day fixed above, or the stock should not be fully taken, then the said commissioners may open the same at any time within three years from the passage of this act, and proceed as directed in this act.

1854.
Books, when
to be opened,
and by whom.

Notice to be
given of the
time and place
of opening books

§ 4. That whenever the sum of seven thousand dollars shall have been taken, it shall be the duty of said commissioners to advertise the same by printed notices posted up at Hustonville and Middleburg, calling the stockholders together at such point and time as they may designate in said notice, and who, when called together, shall proceed to elect from their number a president, treasurer, secretary, and six directors, each of whom shall, before entering upon the duties of his office, take an oath before some justice of the peace that he will honestly, faithfully, and justly perform their respective duties, a certificate of which shall be recorded by the secretary in the books of the company. The treasurer shall execute bond with good security, in such penalty and conditions as the president and directors may prescribe, payable to the president, directors, and company of the Hustonville and Coffey's Mill Turnpike Road; which bond shall be preserved by the secretary. The said officers shall hold their office for the term of one year, and until their successors are elected and qualified: *Provided*, that no one shall hold either of said offices unless he is a shareholder in said road; and that in the election of said officers each shareholder shall have one vote for each share he holds. That the said president, directors and company shall be a body corporate, under the name and style of the president, directors, and company of the

When president
and other officers
are to be elected.

Oath to be administered to officers.

Term of office.

1844.

Companies may
be organized.When work
to be let out.The road to be
located.Where to be lo-
cated.The road to be
located.

Hustonville and Coffey's Mill Turnpike Road Company; shall have perpetual succession; may sue and be sued, plead and be impleaded in all courts of law and equity having jurisdiction of the subject matter, and do and perform all things that like corporate bodies can do.

§ 5. That it shall be the duty of the said president and directors to let five or more miles of said road out whenever seven thousand dollars of the capital stock shall be taken, and the remainder when they may think a sufficient amount of stock has been taken to complete the road. That they may let out any portion of the said road to be made of plank, gravel, or stone, as they may deem proper. That they may let out any portion of said road to be paid for in the stock of the company: *Provided*, it does not exceed the engineer's estimate.

§ 6. That the Lincoln and Casey county courts, a majority of all the justices concurring therein, may take stock in said road, and to pay for the same may levy such a tax on each one hundred dollars worth of property subject to state tax as will be sufficient for that purpose.

§ 7. That said road shall commence at the town of Hustonville, in Lincoln county, from which point the same shall be run and located the best and most practicable route in the judgment and opinion of the president and directors of said road, to some point at or near Coffey's or Riffe's mill, in Casey county, on Green river, and not more than one mile from said mill.

§ 8. That said president, directors, and company shall have power, and they are hereby authorized, empowered, and directed to continue said road to the town of Jamestown, in Russell county, either a direct route or by the way of Liberty, in Casey county, or they may continue said road to the intersection of the turnpike road contemplated to be made from Hustonville, in Lincoln county, to Columbia, at such point as the president and directors may think proper, whenever a sufficient amount of stock shall be raised for either of the purposes above mentioned.

§ 9. That the provisions, from the fifth to the thirty-fifth sections inclusive, of the Danville and Hustonville Turnpike charter, approved March 1, 1844, be and the same are hereby made part of this charter, so far as it does not conflict with this. The legislature hereby reserves the right to amend, alter, or repeal this charter at pleasure.

Approved February 11, 1854.

CHAPTER 158.

AN ACT to incorporate the Greenville Female College.

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Greenville Female Seminary be and the same is hereby constituted a collegiate insti-

1854.

etc. That Wm. C. McNary, H. H. Hopkins, S. M. Wing, L. M. Penick, Warner Underwood, E. R. Weir, P. H. Baker be appointed a board of trustees, empowered to visit the institution, to examine its course of study and method of instruction, and to aid, by suggestion, the superintendent and other officers in the conducting of their respective departments. That said board shall be self-selective, and shall fill, by a majority of those voting, vacancies occurring from death, resignation, or removal to a distance from the institution exceeding seventy-five miles. That a majority of its members shall at no time be members of the same religious denomination.

§ 2. That the faculty of the institution, consisting of the superintendent and corps of teachers, be empowered to grant diplomas, stamped with the collegiate seal.

§ 3. That all suits in behalf of and against the institution be brought by and against W. L. Green, superintendent, and his successor in office.

§ 4. That this act shall take effect from its passage.

Approved February 11, 1854.

CHAPTER 260.

AN ACT to incorporate the W. F. Hill's Female College.

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Honorable Lazarus W. Powell, John J. Crittenden, C. S. Morehead, and Mason Brown, of Frankfort; Honorable Wm. F. Bullock and T. H. Crawford, of Louisville; Dr. Jerman Baker, Dr. George W. Nuckols; F. Garnett, P. Willis, Wm. Standiford; J. L. Dussill, S. H. Myles, and Wm. C. Bullock; of Shelbyville, trustees, and their successors in office, together with W. F. Hill, the president of said college, *ex officio*, shall be and they are hereby constituted a body politic and corporate, by the name and style of the president and trustees of W. F. Hill's Female College.

§ 2. That the said president and trustees, and their successors, shall have perpetual existence, by the name and style aforesaid; shall have the power to use a corporate seal, and change and alter the same at pleasure; shall have power to receive and hold, for the benefit of said college, any lands, tenements, hereditaments, moneys, goods, chattels, or choses in action, by gift, donation, devise, contract, or purchase; to make any contracts or agreements; to sue and be sued, to plead and be impleaded in any court of law or equity in this state, and to do and perform all other acts which similar corporations may of right do: *Provided*, they be not contrary to the constitution and laws of this state or of the United States.

§ 3. That the president and trustees incorporated by this act shall, at their first meeting after its passage,

style of said corporation.

Trustees may hold property for benefit of the college.

May sue and be sued.

1854.

What officers,
and when elect-
ed.

May make
rules, &c. for
government.

choose from their own body annually a treasurer and secretary; and said W. F. Hill, as president as aforesaid, shall be *ex officio* chairman of said board; he shall also fill all vacancies occurring in said board, call the board together at such times as he may think proper; and at all meetings of the board, four trustees, together with the president, shall constitute a quorum to do business.

§ 4. That the president and professors of said college may make such rules and regulations for its government as they may deem expedient; they may prescribe such course of study as they may deem best, and confer on those pupils whom they shall deem worthy all such literary honors and degrees as are usually conferred by our best colleges.

Approved February 11, 1854.

CHAPTER 100.

AN ACT to incorporate the Clay School of Medicine.

Corporators,
their powers,
&c.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That James C. Johnston, S. H. Bullen, J. S. Speed, J. H. Harney, W. N. Halderman, A. McKinley, A. Throckmorton, John Joyes, Nat. Wolfe, and their successors, be and they are created a body corporate and politic, with perpetual succession, to be styled the Clay School of Medicine, with full power to hold and transfer property, real and personal; make contracts, sue and be sued, plead and be impleaded in their corporate capacity; to make, have, and use a common seal, and the same to break, change, or alter at pleasure.

§ 2. That the said school shall be located at Louisville.

Amount of
funds not to ex-
ceed, &c.

§ 3. That all money, funds, and estate which may hereafter be acquired by said Clay School of Medicine, are and shall be vested in said trustees, to be held by them in their corporate capacity for the sole use and benefit of said school, and for the purpose of promoting learning therein: *Provided*, that the proceeds of the whole money, funds, and estate so held by said Clay School of Medicine shall never exceed fifty thousand dollars.

What officers
to be chosen.

§ 4. That the trustees aforesaid, and their successors, shall have power to appoint a chairman, out of their own number, to preside over them in their deliberations relative to the business of the said school, and shall also have power to fill all vacancies that may occur in said body corporate.

Trustees ap-
point professors,
&c.

§ 5. That the said trustees shall have power to appoint such professors of the various departments or branches of medicine to be taught in said school, as they may think proper, and all such officers as they may deem necessary for the management of the concerns of said school; and

remove the same at pleasure; and shall also fix the compensation which they shall severally receive for their services.

1854.

May pass by-laws, rules, &c.

§ 6. That said trustees shall have power and authority to make all such by-laws, rules, and regulations for the government of said school, and the management of all its concerns, as they may deem expedient, and to alter, amend, and amend the same at pleasure: *Provided however*, that said by-laws, rules, and regulations, shall not be repugnant to the constitution and laws of the United States, the constitution and laws of this commonwealth, nor inconsistent with any of the provisions of this charter.

Majority may transact business.

§ 7. That a majority of the whole number of trustees appointed under this charter shall constitute a quorum to transact all the business belonging or appertaining to said school; and said trustees shall hold at least two stated meetings in each year, and shall, when necessary, appoint a chairman *pro tempore* to preside over them.

How office may become vacant, and how filled.

§ 8. That should any trustee or trustees herein before named or that may hereafter be chosen according to the provisions of this act, neglect or refuse to qualify for three months next after being notified of his appointment, his office shall be considered vacant, and the remaining trustees shall proceed to appoint another in his stead; and it shall be the duty of said trustees to enter all their proceedings in a book or books to be kept by them for that purpose.

Officers required to take oath.

§ 9. That said trustees, and the officers they may appoint, including professors, before they enter on the duties of their respective offices, shall severally take the following oath or affirmation, before some justice of the peace, to-wit: I do solemnly swear [or affirm] that I will to the best of my skill and ability faithfully discharge the duties of of said school.

Power to confer degrees.

§ 10. That said body corporate shall have power to confer such literary honors, degrees, and diplomas upon the students of said school as the professors of the several departments may think them entitled to receive.

Approved February 11, 1854.

CHAPTER 161.

AN ACT to incorporate the Louisville Female College.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the literary institution heretofore established and conducted by the efforts and enterprise of S. Prettyman and his coadjutors, in the city of Louisville, by the name of the Albion Female Collegiate Institute, shall hereafter be known by the title of the Louisville Female College.

Title of incorporation.

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Of what number the corporation is to consist.

May hold estate for use of the institute.

Duties of the board of council.

What their duties.

How office held may be vacated.

Vacancy, how filled.

§ 2. The president and council of said college hereinafter named, shall consist of not more than fifteen nor less than nine persons. They shall be and are hereby constituted and created a body politic and corporate, in law and in fact, under the style and title of the president and council of the Louisville Female College; and as such shall be and are hereby invested with all the powers and privileges of a corporation, for the permanent establishment of the said college, to promote the moral and literary education of females. They may have a corporate seal, may sue and be sued, plead and be impleaded, in this commonwealth and elsewhere, in all courts of law and equity. They may receive and hold in trust for the said institution, by purchase, devise, bequest, gift, or otherwise, any property or estate, real, personal or mixed: *Provided*, the yearly income of said estate shall not exceed ten thousand dollars. They may, when in the judgment of the said board of council the interests of the college require it, borrow money and give liens, to any amount not exceeding two-thirds of the value of the property of said corporation. They may make by-laws, rules, and regulations, not inconsistent with the constitution and laws of this state, or of the United States, for the government of the said college, which by-laws shall be of the same force as if incorporated in this act.

§ 3. It shall be the duty of the board of council to watch over the college as its constitutional guardians, to advise with the president and faculty in relation to its government, the course of study, manner of teaching, the conferring of degrees, and whatever else may tend to the welfare of the institution, and the interests of the students. It shall be their duty also to visit the college from time to time, and to attend the annual examinations. There shall be a stated annual meeting of the board of council, on or immediately before the day of the annual commencement of said college, due notice of which shall be given to each member of the board by the president of the college, or some member of the faculty, or mailed with proper directions, at least ten days before each annual commencement day. The president of the college may call a special meeting of the board, whenever, in the opinion of a majority of the faculty, the interests of the college require it. Five members shall constitute a quorum. If any member of the board be absent three stated meetings thereof the board shall have discretion to declare his place vacant, and elect a successor. The president of the college shall be *ex officio* the president of the board of council.

§ 4. The said corporation hereby created shall have and maintain a succession in the following manner, viz: In case of the death, resignation, or removal of the president hereinafter appointed, or in case of his otherwise ceasing to act and serve the institution, as president thereof, his

place shall be supplied by the board of council at any stated meeting, the successor assuming the relations and liabilities of his predecessor in office. And the board of council shall have power to supply any vacancy or vacancies that may occur from time to time in that body at any stated meeting thereof.

§ 5. That Solomon Prettyman be and he is hereby continued and appointed president of said college, and Wm. F. Bullock, Henry A. Griswold, Lewis Ruffner, John W. Gamble, Nathaniel Winn, John M. Delph, William Kendrick, Richard Deering, Joseph Mayo, Lycurgus L. Lurton, Thomas D. Howard, A. H. Redford, W. B. Calwell, Nathaniel Wolf, and Burch Musselman be and they are hereby constituted a board of council of said college. They shall meet at the college, or at some other suitable place, on the first Saturday in April next, when, or at an adjourned meeting as soon as may be thereafter, the board shall organize, by electing from among themselves a vice president, secretary, and treasurer, the latter of whom shall give bond and security for the faithful performance of his duties, and may receive such compensation as the board shall deem proper. Said organization, together with the acceptance of this act, shall be published in one or more of the principal newspapers published in the city of Louisville, on or before the fourth day of July next.

Of whom the board is to consist, their duties, &c.

What officers to be appointed, and their duties.

§ 6. There shall be a faculty of said college, to be composed of the president aforesaid, and such professors and teachers as may be deemed expedient to employ. The faculty shall have the oversight, care, government, and instruction of the students, and with the advice and concurrence of the board of council may confer degrees and give diplomas, which shall be as valid as those conferred by any other college or university of this state, or elsewhere.

A faculty, and of whom composed.

May confer degrees, &c.

§ 7. The president hereby appointed, having by his own efforts and enterprise, and the counsel and assistance of those who have acted with him, originally established the institution, may, while he shall continue to sustain the pecuniary liabilities of said college, appoint the other members of the faculty. But if by public benevolence, private gifts, or otherwise, the board shall be enabled, with funds of the said institution, to assume said pecuniary liabilities, and to purchase and hold in trust as aforesaid, the estate, buildings, library, philosophical apparatus, furniture, premises, and appurtenances belonging or in anywise appertaining to, or in the occupancy of said college, or the president thereof, and when such purchase shall have been duly made and acknowledged, then and thereafter the members of the faculty shall be appointed by the said board of council, and the general management of the entire institution shall devolve upon said board.

By whom the faculty to be appointed.

Property may be disposed of.

Approved February 11, 1854.

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CHAPTER 162.

AN ACT to amend the act incorporating the Bourbon County Academy.

Trustees, how
appointed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That at the October term of the Bourbon county court, 1854, a majority of all the justices of the county being present and acting, or at any other term of said court, a majority of said justices being present, said court shall appoint five competent persons, whose duty it shall be to act as trustees for the Bourbon Academy, one of whose terms of office shall expire on the first Monday in October annually thereafter; and said court shall, by its order, designate the order and time in which each trustee shall go out of office; and said court shall, at its October term of each year, appoint some qualified person to fill the vacancy thus occurring. All other vacancies shall be filled by said court in a similar manner.

Trustees to
appoint other of
board.

§ 2. Said board of trustees shall appoint a treasurer and secretary, who shall hold their offices during the pleasure of the board; the treasurer to give bond with good surety, conditioned that he will pay over to the order of the board all moneys which shall come into his hands as such, and that he will faithfully discharge his duties as treasurer.

Duties of trustees.

§ 3. Said board of trustees shall have the superintendence and care of the academy grounds and buildings, and shall appoint the teachers who are to occupy the same, who may be removed at the pleasure of the board; shall fix the salaries of the teachers, and the amount of tuition fees, and shall have the power to pass all such by-laws for the government of the schools taught as they shall deem necessary for their due and proper regulation.

County court
may levy a tax.

How to be col-
lected.

§ 4. The county court of Bourbon county may at any one of its terms, a majority of the justices of the county being present and acting, levy upon the property subject to taxation in the county of Bourbon for state revenue purposes, any sum not exceeding three cents on the one hundred dollars worth of property, annually, for three years in succession, which shall be collected by the sheriff of Bourbon county, and shall be paid over by him to the treasurer of the Bourbon Academy, on or before the first day of January of each year next after the taxable list has been put into his hands for collection; and upon the failure of the sheriff to pay the same to the treasurer as aforesaid, deducting therefrom all delinquents, said treasurer shall move against him and his sureties before the presiding judge of the Bourbon county quarterly court, which motion may be made without notice, who shall render a judgment against them for all that is due, with six per cent. interest thereon till paid; which judgment shall be enforced as are other judgments to be enforced against sheriffs and their sureties for like delinquencies. Said

Sheriff shall be allowed for collecting the same the same per cent. he is allowed for collecting railroad tax.

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§ 5. The fund thus raised shall be appropriated by the trustees in the erection of such buildings, and in making such improvements on the ground of the Bourbon Academy, as they may deem necessary.

§ 6. At the term of the Bourbon county court when said court shall make the levy aforesaid, it may direct by its order that one fourth of the fund thus to be raised be paid over by the sheriff to the treasurer of Bourbon county, to be held by him in trust for school purposes in the town of North Middletown, and to be drawn from said treasurer upon the order of the Bourbon county court at any one of its common terms. And also when it makes said levy said court may direct that another fourth of the fund thus to be raised shall in like manner be dedicated to school purposes in the town of Millersburg, the same to be drawn from the treasurer upon the order of the county court of Bourbon at any one of its common terms.

Fund to be divided.

§ 7. And if the Bourbon county court shall fail to make said levy, it shall at any one of its common terms, by its order, on motion of the trustees of the town of Paris, appoint a commissioner, whose duty it shall be to convey all the right, title, and interest of the county of Bourbon in and to all and singular the real estate belonging to the Bourbon Academy, whether the same lies in the county of Bourbon or elsewhere, to the said trustees of the town of Paris and their successors in office forever; and such conveyance, when made and acknowledged in open court by said commissioner, shall pass to said trustees all the interest of the county of Bourbon in and to the estate conveyed to said trustees and their successors forever.

Provision to make the levy if not made.

Approved February 11, 1854.

CHAPTER 163.

AN ACT to incorporate the Green River Agricultural and Mechanical Association.

WHEREAS, divers persons of the county of Barren have organized an association, under the name of the "Green River Agricultural and Mechanical Association," for the purpose of promoting agriculture, horticulture, and the mechanic arts in all their branches, and for that purpose have adopted a constitution and by-laws, and chosen a president and directors to control the affairs thereof. Therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said association be and it is hereby created a body politic and corporate, with perpetual succession, under the name and style of the "Green River

Corporate name and powers.

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Agricultural and Mechanical Association ;" and by the name may sue and be sued in all courts of law or equity and shall be capable of acquiring, by purchase or otherwise, any quantity of land not exceeding twenty acres and may improve, sell, and convey the same or any part thereof at pleasure ; may acquire or dispose of such personal estate as may be deemed necessary and proper for the purposes of said association, and may adopt a corporate seal, and change the same at pleasure.

Election of
directors.

§ 2. That the president and directors already chosen shall continue in office until the first Saturday in May 1854, and until their successors are duly elected and qualified, at which time, and annually thereafter, unless the members of the association shall by resolution fix on a different time, an election of a president and ten directors shall be held: *Provided*, said association may increase or diminish the number of the directors at any annual meeting.

Duties and
powers of trustees.

§ 3. That the prudential, fiscal, and other concerns of said association shall be under the control and management of the president and directors ; and they shall have the power to appoint such other officers as the association may determine to be necessary in carrying out the purposes thereof ; and said association shall have power to make such regulations and by-laws, not inconsistent with the constitution and laws of this commonwealth, as in their opinion will contribute to the success of the purposes thereof, and to alter or repeal the same at pleasure, or to amend or change their constitution.

§ 4. Any five of the directors and the president shall be a quorum for the transaction of business, unless said association shall require a different number.

How stock to
be subscribed.

§ 5. That said association may, under the direction of the president or directors, open books for the subscription of stock to said association, may fix the shares of said stock, and may provide for life membership in said association, and shall issue certificates of stock to such life member, which may be transferred as other estate, and may annually, or oftener if desirable, at or near Glasgow, hold fairs for the exhibition of the products of the soil, specimens of the mechanic arts, of useful and domestic animals, and whatever else serves to represent the labor and industry of the state, and may award such premiums as may be necessary or proper.

Approved February 11, 1854.

CHAPTER 164.

AN ACT to incorporate the Christian County Coal Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John P. Campbell, Jr., Hiram A.

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Phelps, Drury M. Wooldridge, Wm. E. Price, James J. Lampton, A. G. Wooldridge, J. W. Gilkey, Jonathan H. Croft, and Aquila Long, their associates, successors, and assigns, be and they are hereby constituted a body corporate and politic, by the name of the Christian County Coal Company, with power to contract and be contracted with, sue and be sued in that name in all courts and places, to have a common seal; to engage in the mining of coal, iron, and other minerals; in the manufacture and sale of iron, coal, lime, lumber, and other products of lands now owned or hereafter to be owned by them, and other articles and commodities, and in the transportation of the same, or any of them, to home and foreign markets; to hold their meetings within the state, and to have all powers needful for the successful prosecution of their business, and for the execution of the powers herein granted. That said John P. Campbell, Jr. Hiram A. Phelps, Drury M. Wooldridge, William E. Price, James J. Lampton, A. G. Wooldridge, J. W. Gilkey, Jonathan H. Croft, and Aquila Long, shall have power to organize said company by the appointment of a president, managers, and such other officers as they may deem necessary, at such time and place as they may designate, by notice previously given. When thus organized, they and their successors shall have power to make such by-laws, rules, and regulations as they may deem necessary from time to time for the government, management, and prosecution of the business of said company, not inconsistent with the constitution of this state and of the United States.

Corporate name
and powers.

Managers of
said company,
how appointed.

Capital stock.

§ 2. The capital stock of said company shall be two hundred thousand dollars, with power to increase the same to any sum not exceeding five hundred thousand dollars.

Privileges of
the company.

§ 3. The said company may buy, build, and own boats for the carrying on their business, and may dispose of their property or any portion of it by sale or otherwise. They may receive real estate in payment of such part of the subscription as they may deem advisable, and shall have the right to hold by purchase such real estate, mining rights, and rights of way as may be thought necessary by them for the successful prosecution of their business, and the same or any part thereof, to sell or otherwise dispose of as the interests of the company may require.

May borrow
money.

§ 4. That it shall be lawful for the president and managers of said company, from time to time and at all times, to borrow or obtain on loans such sums of money and on such terms as they may deem expedient for the use of said company, and to pledge or mortgage all or any part of the estates, improvements, privileges, effects, and assets whatsoever of the said company, for the repayment of said sums of money so borrowed, at such times as may be agreed upon.

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Further rights
conferred.

§ 5. That said company shall have, possess, and enjoy all the powers, rights, and privileges heretofore conferred by law upon any other company chartered for similar purposes.

§ 6. That this act shall not be so construed as to infringe or interfere with any of the rights or privileges of any other company chartered in this state, or of private individuals.

§ 7. This act shall take effect from and after its passage; and the general assembly reserves the right after thirty years from the passage of this act, to alter, modify, or repeal this act at pleasure.

Approved February 11, 1854.

CHAPTER 165.

AN ACT for the benefit of W. W. Cox, of Morgan county.

WHEREAS, it is represented to this general assembly that W. W. Cox expended the sum of one hundred dollars in pursuit of W. H. Brown, who had committed a foul and atrocious murder in the county of Morgan, and by his vigilance and perseverance overtook, arrested, and brought to justice said Brown, who was tried, convicted and executed for said murder. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts is hereby directed to issue his warrant on the treasurer in favor of the said W. W. Cox for one hundred dollars, to be paid out of any money in the treasury not otherwise appropriated.

Approved February 11, 1854.

CHAPTER 166.

AN ACT for the benefit of Henry Woodyard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Henry Woodyard, sheriff of Grant county, be allowed two years from the passage of this act to collect the revenue, county levy, and fee bills due him for the years 1848 and 1849, and that he may place them for collection in the hands of any officer authorized by law to collect them.

Approved February 11, 1854.

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AN ACT to amend an act to incorporate the Deposit Bank of Paris.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the twenty-second section of said act as limits the time for the commissioners to two years, to open books for subscription of stock, be and the same is hereby repealed, and that said commissioners have until the first day of May, 1857, to discharge the duties required of them by said act.

Approved February 11, 1854.

CHAPTER 169.

AN ACT to incorporate the Danville and Pleasant Hill Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be formed, under the name, style, and title of the Danville and Pleasant Hill Turnpike Road Company, for the purpose of forming an artificial road.

Style of the corporation.

§ 2. That the capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock shall not be sufficient to accomplish the object of this act, then the president and directors may enlarge it to such an amount as they may deem necessary, and open subscriptions therefor in such manner as they may think proper.

§ 3. That books for the subscription of stock in said company shall be opened on the first Saturday in April next, or as soon thereafter as convenient, at the town of Danville, in Boyle county, under the direction of A. I. Caldwell, George Moore, John J. Mock, James C. Banfree, Asa Smith, and Clifton Rodes, or any three of them; and at Pleasant Hill, in Mercer county, under the direction of J. R. Bryant, William Hutcherson, Milton Lamme, A. H. Bowman, John B. Bowman, and Robert Davis, or a majority of them, who are appointed commissioners. The said commissioners at each place shall procure a book or books, and the subscribers for stock in said company shall enter into the following obligation in said book or books: "We, whose names are hereunto subscribed, promise to pay to the president, directors, and company of the Danville and Pleasant Hill Turnpike Road Company, the sum of fifty dollars for each share of stock subscribed by us in said company, and agreeably to an act of the general assembly incorporating said company. Witness our hands this — day of —, 1854." The said commissioners, or a majority of them, shall give notice in a news-

Books to be opened for the subscription of stock, where & under whose direction.

1854,

How long
books to be kept
open.

Officers to be
chosen.

paper published in Danville or Harrodsburg, of the time and place of opening the books for the subscription of stock in said company, and that they will continue open until the amount of the capital stock shall be subscribed.

§ 4. That as soon as five thousand dollars shall be subscribed, the said commissioners, or such of them as may act, shall at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a president and six directors, who shall hold their office for one year, and until others shall be elected and duly qualified. The said president and directors, before they enter upon the duties of their office, shall take an oath before some justice of the peace that they will faithfully perform the duties of their respective office, without favor or affection, according to the best of their judgment. That upon the qualification of the president and directors they shall appoint a treasurer and such other officers as they may deem necessary, who shall hold their office for one year and until others are appointed. The treasurer shall, before he enters upon the discharge of the duties of his office, give bond, with one or more good securities, in such penalty as the president and directors may require, payable to the president and directors of said company, conditioned that he will faithfully discharge the duties of treasurer, and that he will, when called on, pay over the amount of money in his hands to the order of the president and directors of said company, and that he will discharge the duties required of him by the by-laws of said company.

§ 5. That upon the election and qualification of the president and directors as aforesaid, they shall be a body politic and corporate, under the name, style, and title of the Danville and Pleasant Hill Turnpike Road Company, and by said name said company shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase or profits thereof; and of purchasing, taking, and holding to them and their successors and assigns, and of selling, transferring, and conveying in fee simple, all such lands, tenements, hereditaments, and real and personal estate, or as much as may be necessary for them in the prosecution of the work; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record or any other place whatever; also to have a common seal, and to do all and every matter and thing which like corporations may lawfully do.

§ 6. That the number of votes to which each stockholder may be entitled, shall be according to the number of shares he shall hold; and after the first election no share or shares shall confer a right of voting which shall not have been holden three months previous to the election. The

Number of
votes for each
share.

~~NOTE.~~

Who eligible
to office.

Record of pro-
ceedings to be
kept.

Certificates of
stock transfera-
ble.

Powers of the
president and
directors.

Notice of call
on stock to be
given.

stockholders may vote in person or by written proxy; and no person who is not a resident of Boyle or Mercer counties, and a stockholder, shall be eligible as president, director, or treasurer; and the president and directors shall cease to be such on their ceasing to be citizens of Boyle or Mercer counties, or a stockholder in said road. The annual election for president and directors shall be annually held on the first Saturday in May, at such place as may be directed, at which time the president shall lay before the stockholders an expose of the situation of said company; also the record of their proceedings for the preceding year. The company shall have power to fix the days and places of their annual meetings and general elections, and pass all by-laws necessary for the regulation of their proceedings and interests.

§ 7. That the president and directors first chosen as aforesaid, shall deliver a certificate, signed by the president and countersigned by the treasurer, to each stockholder, for the stock subscribed by him and held, which certificate or certificates shall be transferable on the books of said corporation, in person or by attorney; but no share shall be transferred until all the calls and arrearages are paid thereon. The original certificate of the share or shares transferred shall be surrendered, and a new certificate shall issue to the purchaser, who shall then be a member of said corporation, and entitled to all the privileges and benefits that the original owner was entitled to.

§ 8. That the president may call meetings of the directors at such time as he may deem proper; a majority of all the directors shall constitute a quorum to do business; they shall keep a record of their proceedings at such meetings in a book provided for that purpose. The board of directors may also allow the president and treasurer such compensation as they may deem reasonable.

§ 9. That the president and directors shall have power to fill all vacancies that may occur in said board; agree with and appoint all such superintendents, engineers, surveyors, artists, officers, &c. as they shall deem necessary to carry on this work; to fix their salaries and wages; to remove any of them at pleasure; to provide the time, manner and proportions in which stockholders shall make payments on their respective shares; to carry on said work; to draw orders on the treasurer for all moneys necessary therefor, and to do all such matters and things as by this charter and the by-laws of this corporation they are authorized to do, not inconsistent with the laws of the state.

§ 10. That the president shall give notice in a newspaper published in Danville or Harrodsburg, for at least twenty days, of the amount of the call on each share of the stock and of the time of payment; if any stockholder shall neglect or refuse to pay his proportion of the stock, for the space of thirty days after the time of appointment for

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the payment thereof, every such stockholder shall, in addition to the installment called for, pay at the rate of six per cent. per annum for delay of payment; and if he shall fail to pay such call and penalty for the space of six months after the time of payment is required, he shall forfeit such share or shares to the corporation, and the amount that shall have been paid thereon, and the president, by order of the directors, after having ten days public notice, may proceed to sell such forfeited shares: *Provided*, they will bring the amount due and unpaid upon said share or shares: *And provided also*, that no shareholder shall vote at any election, or be entitled to the right of a member of said corporation, until the whole amount due and payable as aforesaid on the share or shares by him held, shall have been paid agreeably to the requisitions of the president and directors.

Extent of elevation of the road.

§ 11. That the said road shall be so levelled and graded that when completed its greatest elevation shall not exceed four degrees; the width of the artificial path of said road shall not be more than forty five, and the portion of it covered with metal, gravel, or macadamized stone shall not exceed eighteen feet, and be fully nine inches in thickness or depth from side to side of that width.

Engineers, &c. to be employed.

§ 12. That it shall be the duty of the president and directors to fix the route on which said road shall pass, and for that purpose to employ all necessary engineers, surveyors, artists, &c. at the costs of the company; and they are hereby authorized to enter in and upon the land and inclosures, public roads and highways in, through, and over which said intended road may be thought proper to pass, and to examine and survey the ground therefor, to examine for quarries, beds of stone, banks of gravel, and other material necessary for the completion and repairs of said road, and having due regard to economy, they shall locate said road as follows: commencing at any point in or near the town of Danville; thence along the present old road, or the most practicable route, to Pleasant Hill, in Mercer county.

§ 13. That sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, and twenty, of an act entitled an to incorporate the Danville and Hustonville Turnpike Road Company, approved March 1, 1844, be and the same are hereby incorporated as part of this charter.

When gate may be erected and toll exacted.

§ 14. That so soon as five miles of said road shall be completed, three justices of the peace in the county where the five miles, or a major part thereof lies, who are not interested in the stock of said company, shall be called on to examine the work, and if they shall certify that the work has been done in conformity with the provisions of this act, the certificate shall be recorded in the office of the county court of said county, and the president and directors may cause a toll gate to be erected across said road,

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and may collect the tolls and duties hereinafter granted to said company, from all persons traveling with horses, carts, wagons, cattle, &c. In case such disinterested justices cannot be found, the president and directors may give notice thereof to the county court, and the said court shall appoint three fit persons, whose duty it shall be to inspect said road, or as much thereof as shall be completed, and if it shall be their opinion that said road or any five miles thereof continuously, is completed according to the provisions of this act; their report shall be recorded in said county court, and the judge thereof shall enter of record how many gates may be erected; whereupon it shall be lawful for said company to erect a gate for every five miles so completed, and at such places as to them may seem most eligible.

§ 15. That when said gate or gates shall be erected as aforesaid, it shall and may be lawful for the president and directors aforesaid to appoint as many toll gatherers as they may deem requisite, and to collect and receive for toll the rates not exceeding those allowed by the general laws of this commonwealth for like roads. The president and directors shall cause printed lists of rates of toll which they may lawfully demand to be affixed at each toll gate on the road.

Toll gatherers may be appointed.

§ 16. That sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, and thirty-five of an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, approved March 1, 1844, be and they are hereby incorporated as part of this chapter.

§ 17. That the county judges of Boyle and Mercer counties shall have power to exempt from working on the roads in said counties one hand for every two shares of stock subscribed and paid by any individual to said company.

Who exempt from working on roads.

§ 18. That said president and directors shall have power to borrow any sum of money not exceeding ten thousand dollars for the completion and repair of said road, and to secure the same may mortgage the road and the profits thereof.

§ 19. That the president and directors shall have full power to permit any stockholder to work out the stock in said road that he may have subscribed, or any part thereof: *Provided*, he does it as low a rate as any one else is willing to do it for.

§ 20. That the legislature hereby reserves the right to alter, amend, or repeal this charter at pleasure.

Approved February 11, 1854.

AN ACT to amend an act prescribing the means and mode of opening and working roads in the county of Boone.

Districts may be increased.

Overseers to be appointed.

Their duties.

Road tax increased.

Duties of overseers.

Loss of time to be accounted for.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, an act prescribing the means and mode of opening and working roads in the county of Boone, approved March 24, 1851, be so amended that the county court of said county shall, at its March term, 1854, or as soon thereafter as is practicable, increase the number of road districts in said county from twenty to fifty; and said court shall at the same or some subsequent term appoint an overseer for each district, who shall be notified of his appointment, and whose term of office shall be as is now designated by said law. Each of said overseers, before he enters upon the discharge of his duties as such, shall enter into bond, with surety to be approved by the county court, for the lawful and judicious expenditure of all moneys paid into his hands by the county treasurer for road purposes, and at the expiration of his term shall account for and pay over to said court any unexpended money which shall be in his hands.

§ 2. That the third section of said act be so amended that the revenue for road purposes in said county shall be increased from two to three cents on each one hundred dollars of the *ad valorem* valuation of property, as specified in said section, and that the poll tax of one dollar for said purposes shall be assessed only on white males between the ages of sixteen and fifty years, and on male slaves and free males of color over sixteen years of age, and all other persons in said county shall be exempt from a poll tax for road purposes.

§ 3. That it shall be the duty of the several overseers to call out all persons in their respective districts, three days notice thereof being given, to work on said roads as many days in each year as he will be enabled to pay for out of the road funds received for his district, at the rate of seventy-five cents for each days' labor of eight hours bestowed upon said road, and to pay for such teams, plows, and wagons as to him may seem necessary, allowing for team, plow, and plowman one dollar and seventy-five cents, and for team, wagon, and driver two dollars and twenty-five cents for every day they may be employed upon said road.

§ 4. That the overseers shall have the power to dock such persons as may be working on said roads, who shall from any cause lose time, or not work faithfully thereon, at the rate of ten cents for each hour so lost; and the several overseers shall be allowed for their services on the road, and for notifying hands, the sum of one dollar per day, to be paid out of the road fund of said county: *Provided*, that such allowance to any overseer shall in no year exceed the sum of eight dollars.

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When over-
seers to settle
their accounts.

§ 5.. That every overseer shall keep an accurate account of all moneys received by him, to whom paid, and for what purpose, and shall return the same to the county court at its March term in each year; or when any overseer shall resign he shall return said account to the court at its term next succeeding the time of such resignation; and said overseer and his sureties shall be responsible to the court for any moneys received by him not properly and lawfully accounted for; and any overseer not keeping the roads in his district in as good order as the means at his disposal will enable him to do, shall be liable to indictment in the circuit court of Boone county, and upon the verdict of a jury, shall be subject to a fine of not less than ten nor more than twenty-five dollars.

Approved February 11, 1854.

CHAPTER 171.

AN ACT for the benefit of William Johnson, Sheriff of Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Johnson, sheriff of Laurel county, have until the first day of October next to return his delinquent list.

Approved February 11, 1854.

CHAPTER 172.

AN ACT for the benefit of James Perkins, Jailer of Boone county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Perkins, jailer of Boone county, be and he is hereby authorized to keep in confinement in the jail of any of the adjoining counties, such prisoner or prisoners as may have been confined in the jail of Boone county at the time of said jail's burning on the night of the 27th January, 1854, or such other prisoner or prisoners as may hereafter, before the erection of a new jail in said county, be committed to him as jailer, by regular process of law: *Provided*, that by so occupying such jail or jails no jailer shall be discommoded from securely keeping such prisoner or prisoners as may be committed to him by the authorities of his county.

Jailer of Boone
to have use of
jails in adjoining
counties.

§ 2. That it shall be lawful for the Boone circuit court to allow said jailer such remuneration for his services, and allowance for expenses as to said court may seem just and proper.

§ 3. This act shall take effect from its passage.

Approved February 11, 1854.

1854.

CHAPTER 176.

AN ACT for the benefit of School District No. 38, in Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the commissioners of common schools in Breckinridge county be and they are hereby authorized to report to the superintendent of public instruction the schools taught in school district No. 38, in said county, for the year 1852, and when the same is properly reported the superintendent is hereby authorized and directed to draw his warrant on the auditor of public accounts for the amount that may be due said district.

Approved February 11, 1854.

CHAPTER 177.

AN ACT for the benefit of the Shelbyville and Louisville Turnpike Company.

Rates of toll
to be charged.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the Shelbyville and Louisville Turnpike Road Company to take, receive, and collect on the branch road which they are now making, the same rate of toll which they are now by law authorized to collect at the present gates on their original road; and when they shall have completed the bridges on said branch road, and finished two and a half miles thereof by metalling the same in the usual way, twenty feet wide, they shall have the right to erect a toll gate thereon, and to collect half toll until said branch is fully made; and they shall keep up said branch and original road twenty feet wide as aforesaid, all in good repair.

Number of
votes for each
share.

§ 2. It shall be lawful for the new stockholders, as well as the old or present stockholders of said company, to have one vote for each and every share of stock fully paid up, at all meetings of the stockholders of said company.

When to be
completed.

§ 3. That said company shall be and they are hereby required to finish and complete said branch road by or before the first day of February 1857, or otherwise the charter of the same shall be null and void.

Approved February 11, 1854.

CHAPTER 178.

AN ACT to amend the charter of the Maysville and Big Sandy Railroad Company.

Board of di-
rectors may dis-
pose of bonds of
company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Maysville and Big Sandy Railroad Company shall have power and authority to issue, negotiate, and sell any amount of the bonds of said

company deemed necessary by the board of directors, at such times, upon such terms, and bearing such rates of interest as to said directors may seem advantageous, in order to raise means for the equipment, completion and operation of their railroad; and that the payment of said bonds, principal and interest, may be secured in the discretion of the said board of directors, by mortgage on the road and any other property owned and held by the company, or by guaranties or indorsements of other corporations as authorized by the 7th section of the act, entitled, "an act to amend an act, entitled, an act to incorporate the Maysville and Big Sandy Railroad Company," approved November 25th, 1851.

§ 2. That the said Maysville and Big Sandy Railroad Company shall have power and authority to unite with the authorities of Virginia, or with any railroad company or companies, either of Kentucky or Virginia, in building a bridge or bridges, at or near the mouth of Big Sandy river, so as to effect a junction of the tracks of the Virginia and Kentucky railroads; and such bridge or bridges may be so constructed as to accommodate not merely all transport by railroad, but the ordinary travel and transport of the country, by other modes of conveyance, across said river; and may charge and collect tolls for the passage of men, horses, mules, cattle, sheep, hogs, and all other animals and freights of all descriptions, carriages and other vehicles, at such rates as may be established by the board of public works of Virginia and the board of internal improvement in Kentucky: *Provided*, that in the construction of such bridge or bridges, there shall be a draw over the main channel of the river sufficient in width to admit the passage of the largest class of boats usually navigating said river.

May unite with other roads, build bridges, &c.

May charge tolls, &c.

§ 3. That the said Maysville and Big Sandy Railroad Company shall have power and authority to unite with any other railroad company of the state of Ohio, in building a bridge or bridges over the Ohio river, at any point or points between Maysville and Big Sandy river, for the purpose of effecting a junction of the railroads reaching the Ohio river from either side thereof: *Provided*, that the height and width of spans of such bridge or bridges shall be such as to admit the free passage of the largest class of boats usually navigating said river, or be constructed in such a manner as not to interrupt the navigation of the said river; and should the corporations uniting to build said bridge or bridges, deem it advisable so to do, they shall have power and authority to construct said bridge or bridges so as to accommodate the transit of passengers, animals, vehicles, or freights other than those transported by railroad.

May build bridges over the Ohio on certain conditions.

§ 4. That the said Maysville and Big Sandy Railroad Company shall have the same power and rights to acquire

May acquire title for site of bridges, &c.

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title to the site of bridges on the Big Sandy and Ohio rivers, and right of way thereto, and to procure all necessary rock, stone, timber, earth, gravel, &c., for building bridges, as are conferred upon said company by its charter in reference to right of way, and materials, &c., for the track of said road.

May acquire
ferry franchises.

§ 5. That the said Maysville and Big Sandy Railroad Company, shall have power and authority to acquire ferry franchises on the Big Sandy and Ohio rivers, or any of the tributaries of the Ohio river, on the line of their road, in whole or in part, to facilitate the transit of passengers and freight, and to use and enjoy the same in the same manner and under the same restrictions, provisions, and privileges applying to individual holders of ferry franchises under the laws of this state.

Legislature to
investigate af-
fairs, &c.

§ 6. That said bonds, authorized by the first section of this act, may, in the discretion of the board of directors of said company, be made convertible into stock of the said company, at the pleasure of the holder or holders thereof.

§ 7. That the said company shall lay before the legislature of this state a correct statement of the tolls received for passing any bridge or bridges they may build or aid in building across the Ohio river, and also the cost for keeping the said bridges in repair, and of the other expenses of the said bridge or bridges; and the said company shall, from time to time, reduce the rates of toll on said bridges so that the net profits shall not exceed twelve per centum per annum, after the proper deductions are made for repairs and other charges on said bridges over the Ohio river. Toll gates may be kept and toll received at each end of any of said bridges, and the rates of toll shall be posted up in some conspicuous place where the toll is demanded.

Responsible
for all damages,
&c.

§ 8. That the said company shall be held liable and responsible, by any appropriate action, for all injuries sustained by vessels or boats, rafts of plank or timber or other lumber passing up or down the Ohio river, in consequence of the construction of said bridge or bridges across the Ohio, unless the injuries are caused by negligence.

Penalty for per-
mitting slaves
to pass.

§ 9. That it shall be unlawful for said company, their agents, or officers, to suffer or permit any slave or slaves to pass over said bridge or bridges across the Ohio river, without a written request of the owner or owners of such slave or slaves, or without said slave or slaves shall do so in company of such owner or owners; and said company shall be liable to pay said owner or owners for every slave, so permitted to pass, the full value of said slave or slaves, to be ascertained by the verdict of a jury, together with a penalty of ten per centum thereon, to be assessed by a judgment of a court, and all costs of suit, which shall be recovered by appropriate action in any court of competent and proper jurisdiction.

Approved February 11, 1854.

CHAPTER 176.

1854.

AN ACT to amend the act incorporating the Carrollton and Eagle Creek Turnpike Road Company.

Former act amended.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the nineteenth section of an act, entitled, an act to incorporate the Carrollton and Eagle Creek Turnpike Road Company, approved March 7, 1850, be so amended that said company shall be required to cover the said road with metal or macadamized stone to the width of not less than ten feet.

§ 2. That an act, entitled, an act to amend the law incorporating the Carrollton and Eagle Creek Turnpike Road Company, approved February 10, 1851, be and the same is hereby repealed.

Another act repealed.

Approved February 11, 1854.

CHAPTER 180.

AN ACT to amend the charter of the Richmond and Lancaster Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the president and directors of the Richmond and Lancaster Turnpike Road Company, shall hereby be authorized to erect a toll gate within one-half mile of the court house of Lancaster.

Where toll gate may be erected.

§ 2. That when three miles of said road are completed, and two justices of the peace for Garrard county shall certify to the Garrard county court, that the same has been constructed in substantial conformity to the charter of said company, the said court shall make an order allowing said company to erect said toll gate, and receive and collect one-half the tolls named in the original charter for every five miles of said road.

Half gate may be put up.

§ 3. This act shall take effect from its passage.

Approved February 11, 1854.

CHAPTER 181.

AN ACT extending the limits of the city of Maysville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the limits of the city of Maysville be and the same are hereby extended so as to include all the lots and lands included within the following boundary, to-wit: beginning at a point in the centre of the present mouth of Limestone creek in the Ohio river; thence up said creek with its several meanders to a point in said creek from which a straight line running to the top of the hill on the south side of the Maysville and Mountsterling turnpike road will run with the line of the lower or west-

Limits extended

Boundary.

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ern end wall of the beef and pork packing house of Gurney & Dodson; thence with the brow of the hill south of said city to the ravine on the land of John Newdigate, near the Maysville powder magazine; thence with the general course of said ravine to the Maysville and Lexington turnpike road; thence by a straight line to the corner of Armstrongs pasture lot, on the top of the hill known as the "Sugar Loaf;" thence with the brow of said hill westward, to a point in the centre of Beasley's run where the Maysville and Bracken turnpike road crosses the same; thence down Beasley's run to its mouth in the Ohio river; thence up the said river to the beginning: *Provided, however,* that the property and population hereby added to the said city shall exempt from any tax heretofore imposed by a vote of said city.

Boundary to be surveyed.

§ 2. That it shall be the duty of the city council of the city of Maysville, to cause the boundaries of said city, as established by this act, to be accurately surveyed, and durable monuments of the boundary to be erected at the several corners thereof; and to cause a plat of the city to be made agreeably to said boundary, and have the same recorded in the clerk's office of the Mason county court.

Approved February 11, 1854.

CHAPTER 184.

AN ACT supplemental to an act, entitled, an act to incorporate the Winchester Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act incorporating the Winchester Cemetery Company, passed at the present session of the general assembly, shall be in force and take effect from and after the passage of this act.

Approved February 11, 1854.

CHAPTER 185.

AN ACT to incorporate the Big Sandy Coal and Mining Company.

Corporate name and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Samuel Boggs, Frederick Hardman, and John H. Empson, and their associates and successors, be and they are hereby created a body corporate, by the name and style of the "Big Sandy Coal and Mining Company," and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded; and are hereby declared and made capable in law to take, purchase, hold, and possess lands, tenements, goods, chattels, and effects necessary for the purposes of said corporation, and the same to sell;

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grant, alien; and dispose of at pleasure; have a common seal and alter or renew the same at will; and may make all necessary by-laws for the government of said company, consistent with the laws of this state and the United States.

§ 2. That said company shall have power to appoint all necessary agents, whether members of said company or not, to manage and control the business of said company, according to rules and by-laws adopted by a majority of said company.

May appoint
necessary offi-
cers.

§ 3. That said company may hold real estate by lease or purchase, and all such personal estate as they may deem necessary to carry on the coaling and mining business in Pike and Floyd counties, and to have the same conveyed to any market.

Privileges grant-
ed.

§ 4. For the purpose of transporting coal, said company shall have power to construct railroads, with single or double tracks, starting at or near their coal banks in Pike and Floyd, and running the route deemed most practicable by them to any point at low water mark on the Big Sandy river, with as many lateral roads leading from their mines, to intersect their main roads, as they think proper, and shall have power to repair and keep up the same; and said company, their successors, or agents, are hereby empowered to take possession of and acquire the right of way for said roads, with sufficient ground at or near the commencement of said roads and their termination, for depots and all necessary buildings, yards, landings, &c., not to exceed three acres at each end of the main road, and not to interfere with the buildings of the owner or owners of the land. Said company shall pay for said land the amount awarded by a jury of twelve men, competent venire men under existing laws, summoned by the sheriff or coroner of the county in which the lands sought to be condemned are situated, summoned under an order of the circuit or county judge of the county; and said order shall be issued on the application of either party. The jury shall take into consideration the value of the land, the damage to the owner thereof, as well as the probable advantage to him arising from the construction of said road: *Provided*, no jury need or shall be summoned under the provisions of this act, if the owner of the lands needed to carry this act into effect, and the company, shall agree upon its value and the terms of sale. The jury required and authorized herein shall be sworn to discharge the duties imposed hereby according to their best skill and judgment, without favor or partiality.

May build ne-
cessary rail-
roads.

How right of
way, &c. to be
procured.

§ 5. Said company shall cause a book to be opened and kept, subject at all times to the free inspection of any member of said company, in which shall be registered the names of all the members of said company, the number of shares of capital stock owned by each member; and said shares

Stock book to
be kept.

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may be transferred in said book in the manner prescribed by the by-laws of said company; and each member shall share the profits and be liable for the losses of said company to the extent of the stock owned by him in said company.

Capital stock
may be increas-
ed.

§ 6. The capital stock shall be fifty thousand dollars, in shares of fifty dollars each, and may be increased to the sum of two hundred and fifty thousand dollars, at the discretion of said company; and said capital stock shall be subscribed and paid for upon such terms and according to such rules and regulations as the company may designate in their by-laws and ordinances.

§ 7. The general assembly reserves the right to modify, alter, or repeal this charter at pleasure.

Approved February 11, 1854.

CHAPTER 186.

AN AOT to authorize the Marshall, Hart, Livingston, Hancock, and Calloway County Courts to change election precincts and voting places in said counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Marshall, Hart, Livingston, Hancock, and Calloway county courts be and they are hereby respectively authorized to alter or change the election precincts and magistrates' districts, and the places of voting in such districts, in said counties, upon the petition of a majority of two-thirds of those who may be affected by such change: Provided, that no such change shall be made within sixty days next preceding an election.

Approved February 11, 1854.

CHAPTER 187.

AN AOT to change the place of voting in District No. 7, in Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in district No. 7, in Shelby county, shall be at Harrisonville, in said district, instead of at the house of Josiah Daniel, as heretofore.

Approved February 11, 1854.

CHAPTER 188.

AN AOT to change the voting place in District No. 6, in Pulaski county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the voting place in district No. 6, in Pulaski county, be and the same is hereby changed to the

school house on the road at the gap of the ridge near the residence of John Bobbett, instead of the place at which the elections were heretofore held; and that said district shall hereafter be known as the Dallas district.

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Approved February 11, 1854.

CHAPTER 189.

AN ACT in relation to the election precincts in Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Cumberland county be and it is hereby authorized, at any of its regular terms, upon the petition of a majority of those affected thereby, to alter and change any of the lines of the voting precincts in said county, and establish additional voting places in either of said districts; *Provided,* that no such change or alteration shall take place within sixty days of any regular election.

Approved February 11, 1854.

CHAPTER 190.

AN ACT to change the line between the first and third election and Magistrates' Districts in Jessamine county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the third election and magistrates' district in Jessamine county as is included in the following boundaries, to-wit: Beginning at a point on the northern end of said third district where the Goggin's ferry road crosses Hickman creek; thence down Hickman creek to the point where the Chrisman's mill road crosses Hickman creek, and thence with said Chrisman's mill road to the Iron Works road, be and the same is hereby added to the first election and magistrates' district in said county.

Approved February 11, 1854.

CHAPTER 191.

AN ACT establishing an additional Magistrates' and Constable's District in Boone county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That James N. Stephens, Moses Rice, John C. Green, John P. Scott, and James L. Wilson, of Boone county, any three of whom may act, be and they are hereby appointed commissioners to lay off an additional magistrates' and constable's district in the county of Boone, to be composed of territory now included in the Burling-

Commissioners
to lay off another
district.

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ton and Carlton districts in said county; said additional district, when so laid off, shall form an additional election precinct in said county; and said commissioners shall fix the place of voting therein at or near Belleview, and shall report the same, together with the boundaries of said district, for record, to the county court of said county at or before its July term in the year 1854: *Provided*, that the magistrates and constables now in office in said district, shall continue to hold their offices therein, and exercise their jurisdiction in all respects as they now do, until the term for which they were elected shall have expired.

Election to be held therein.

§ 2. That at the time for holding the next regular election of magistrates and constables in Boone county, and at every succeeding election for such officers, there shall be elected in said district two justices of the peace and one constable, who shall be subject to the penalties, and perform the duties now pertaining to like officers.

Approved February 11, 1854.

CHAPTER 192.

AN ACT to incorporate the Trustees of the Carlisle Collegiate Institute.

Style of incorporation.

Power to make rules for government.

Power to appoint president, &c. and the duties of same.

Clerk, treasurer, and other officers appointed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John M. Chevis, Fitch Munger, Wm. W. Fritts, Archer S. Waugh, Thomas E. Quisenberry, Henry Pickerel, James A. Chappell, Edmund P. Buckner, William Norvell, John F. McMillan, Joseph F. Tureman, Thompson S. Parks and William P. Ross, and their successors in office, shall be and they are hereby constituted a body politic and corporate, to be known by the name and style of the Trustees of the Carlisle Collegiate Institute; and by that name may sue and be sued, plead and be impleaded in any court of law or equity in this commonwealth; and they may make such by-laws, rules, and regulations for the government of said institute, and for the control of the property thereof, as they may deem proper and expedient, which said by-laws, rules, and regulations shall have the same force and effect as if incorporated into this charter: *Provided*, the same shall not be inconsistent with any of the provisions of this act, and not contrary to the constitution and laws of the commonwealth. A majority of said trustees shall constitute a quorum to do business pertaining to the interests of said institute; they shall have power to appoint some one of their body as president of the board, and in his absence may appoint a president *pro tem.* whose duty it shall be to call the meetings of the board from time to time, and preside at all the meetings of the trustees. They shall also have the power of appointing a clerk, a treasurer, and any other officer necessary to be appointed. They shall have power to

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appoint a principal professor or teacher, for any period of time not exceeding one year, and such assistant teachers or professors as they may from time to time deem necessary. They shall cause a fair record of all their official proceedings to be kept by the clerk of the board of trustees. If any of the trustees hereinbefore named, shall fail or refuse to act, or should the office of trustee become vacant from any cause whatever, a majority of the remaining trustees shall fill the vacancy; but no such vacancy shall be filled until the number of trustees herein appointed shall be reduced below five; and to avoid all sectarian influence in the government of said institute, the trustees in filling the vacancies that may occur in their board from time to time, shall not appoint more than one person belonging to any one denomination of religionists.

How vacancies in board of trustees filled.

§ 2., That said institute shall be a male and female institution, and it shall not be in the power of the trustees to change its character in that respect.

§ 3. That said trustees are authorized and empowered to receive subscriptions and donations in money, to any amount not exceeding ten thousand dollars, to be applied by them in purchasing grounds and erecting suitable buildings, and for the further purpose of procuring the necessary furniture, chemical and philosophical apparatus, books, &c., for the use of the institution. And the trustees shall have power to collect, by law, said subscriptions of money, before any court having jurisdiction of the amount so subscribed.

Trustees may receive subscriptions.

§ 4. That the corporation hereby created shall have full power to acquire and hold, by purchase, gift, devise, or otherwise, all such lands, tenements, hereditaments, money, or other property, as said trustees may think proper to purchase, or such as may be given, devised, or bequeathed to them for the use and benefit of said institute. It shall not be necessary for said corporation to procure or use a common seal, but all its corporate acts shall be manifested and made known by the signature of the president affixed thereto, or by some entry or memorandum made on the record of the proceedings of said corporation; and all contracts, deeds, writings, and conveyances made and entered into in the name of the trustees of the Carlisle Collegiate Institute, and signed by the president thereof in his official capacity, shall be as valid and effectual in law as if said corporation had a common seal, and the same was affixed thereto in due form. This act shall take effect immediately.

Right to real and personal estate.

Not necessary to have common seal.

Approved February 11, 1854.

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CHAPTER 193.

AN ACT to authorize the county court of Estill to levy a tax to build jail in said county.

County court
may levy a tax.

How to be col-
lected.

Proceedings
under this act.

Further pro-
ceedings.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Estill county, the presiding judge and a majority of all the justices of said county constituting the same, shall have full power and authority to levy an *ad valorem* tax, not exceeding ten cents on each one hundred dollars worth of property of the citizens of said county subject to taxation for revenue, which shall be collected in the same manner and upon the same terms, by the sheriff of said county, as the revenue tax is now collected, and he shall pay the same, on or before the 25th day of December in each year, to such person or persons as said court may direct.

§ 2. That the provisions of this of this act shall continue in force for two years.

§ 3. That the presiding judge of said county court shall require the sheriff of said county to notify the justices of the peace to convene on the third Monday in March, 1854; and when convened they, or a majority of them, together with said presiding judge, shall have power to alter or set aside the fixing and laying the county levy at their last October term, and shall lay and fix the same in accordance with the provisions of this act, and make such orders as may be necessary for the building a new jail for said county.

§ 4. The presiding judge of said county court shall have power to convene said justices on the third Monday in March, 1855, as provided for in the third section of this act, for the purpose of continuing or laying said levy, if necessary for the completion of said jail.

Approved February 11, 1854.

CHAPTER 194.

AN ACT authorizing the transcribing certain books in the Surveyor's office in Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William C. Gilliss, surveyor of Whitley county, be and he is hereby authorized to transcribe such of the record books of his office as have become mutilated and defaced, and were not originally composed of durable materials. Before such transcript be made, the county judge of said county shall examine the said surveyor's office, and shall make an order and have the same entered of record in the clerk's office of said county, directing what portion of the books in the surveyor's office shall be transcribed; and when said surveyor shall have completed the record, the county judge shall examine the same and cer-

ify it to be correct, and shall make an order allowing to the surveyor a reasonable sum for his services, to be paid out of the land fund of said county, in the county treasurer's office.

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Approved February 11, 1854.

CHAPTER 195.

AN ACT establishing the Washington Female College.

WHEREAS, by a petition from sundry citizens of Mason county, it is represented that a suitable building has been erected at his private expense upon the grounds of the Rev. Robert McMurdy, in the town of Washington, Mason county, and that they are desirous that a female college, with the assent of said McMurdy, should be established on his said grounds; and it appearing from his signature to said petition, that he is willing and desirous that said female college shall be established thereon—

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the above ground and building thereon erected shall be and the same is hereby established as a female college, to be entitled "the Washington Female College," which shall be governed by a board of fifteen trustees, to be appointed and have succession as hereinafter provided. The said college shall be entitled to all the rights, privileges and immunities that other female colleges are entitled to by the laws of this state. The trustees herein provided for shall have power and authority to appoint a principal to said college, and such other professors and instructors as they may at any time deem necessary and proper, for the instruction of the pupils therein, in the arts and sciences, and all necessary, useful, and ornamental branches of a thorough and liberal education; and the said trustees shall have power to make such rules and regulations as they may deem expedient for the government and conduct of said college, and to confer on those pupils whom they may deem worthy, such literary honors and degrees as are usually conferred on students in other female colleges.

Name of the college.

Privileges and rights.

Powers of trustees.

§ 2. That the first board of trustees shall consist of the following named persons, to-wit: Adam Beatty, Marshall Key, George L. Forman, John Curtis, Benjamin Kirk, Peter Lashbrook, Jesse Turner, Charles Humphreys, Joseph Best, Wyatt Weedon, Garret Davis, Dr. Thomas Moore, Rev. Edward F. Berkley, Rev. J. H. Thompson and Rev. Erastus Burr, D. D. The first five of said board shall hold their offices for the term of one year from the time this act passes; the next five for the term of two years, and the remaining five for the term of three years. When the term of the first five shall have expired, the

First board of trustees.

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remainder of the board shall fill the vacancies, and so likewise, after each vacancy, the same shall be filled by the re-election of the old members or a part of them, or the election of others in their stead. The persons thus elected by the board of trustees shall respectively hold their offices for the term of three years.

§ 3. Six members shall constitute a quorum to do business, and at least five shall concur in all elections, and in doing any other act on the part of the board.

Privileges may
be transferred.

§ 4. If at any time the said McMurdy shall, by deed or devise, transfer the college grounds aforesaid, it shall not operate as a dissolution of this charter; but all the privileges thereof shall enure to the purchaser or devisee, so long as he or they shall continue to appropriate the premises to the use and purpose of a female college as herein provided.

Approved February 11, 1854.

CHAPTER 196.

AN ACT for the benefit of the Lexington and Frankfort Railroad Company.

Bonds may be
issued.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the board of directors of the Lexington and Frankfort Railroad Company to make and issue the bonds of said company for an amount not exceeding, in the whole, one hundred and thirty thousand dollars, in such form, divided into such amounts, and payable at such times and places as they may think proper, bearing interest at the rate of six per cent. per annum, payable half yearly; and they may secure the punctual payment of the interest on said bonds, and of the principal thereof when due, by a deed of trust upon the road and all the rights, franchises, property, and effects of said company, with power in the trustee to sell said road, rights, franchises, property, and effects, without suit or decree of foreclosure, on such terms and notice as they may provide in the deed; to raise and pay the principal of said bonds and the interest that may have accrued on them, in case said principal, or any installment of interest, shall have remained unpaid in whole or in part for the space of thirty days after becoming due; but no sale shall be made until a session of the legislature of Kentucky shall have passed after the expiration of said thirty days, nor unless notice thereof shall be served upon the governor within the first two weeks of the session. If the unpaid installment of interest or principal shall be paid before the time fixed for the sale, no sale shall be made until another default of payment occurs. If a sale should be made under said deed of trust, the purchaser shall be entitled to all the rights, privileges, and franchises conferred

And secure the
same.

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the said company by its charter, and the amendments thereof, and shall be subject to all the obligations and restrictions of the same.

Bonds may be sold.

§ 2. The said board of directors may sell said bonds on such terms as they may think best for the interest of said company, but no sale shall be made at a discount from their par value, without the consent of both the directors on the part of the state.

How dividends may be made.

§ 3. The said board of directors may declare and pay semi-annual dividends out of the net profits of running the road, notwithstanding the existence of the debt, provided they pay off the interest as it accrues, and reserve, at the several dividends, suitable amounts to provide for the ultimate extinguishment of the debt; which amounts shall constitute a sinking fund, and be either applied to the purchase of the bonds, or made productive by loans upon real security, until the debt becomes due.

Stock may be increased.

§ 4. The said board of directors may, by one or more stock dividends, increase the stock of the company to an amount equivalent to the cost of the construction of the road and its equipment.

Approved February 11, 1854.

CHAPTER 197.

AN ACT for the benefit of the Washington and Clarke's run Turnpike Road Company, in Mason county.

Grade and width of road.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Washington and Clarke's run Turnpike Road Company, in the county of Mason, may construct their road at any grade not exceeding three and one half degrees.

When they may erect gates.

§ 2. That the said company, when they shall have completed their road as required by their charter, shall have the privilege of erecting two gates upon their road, which shall be at least five miles apart, and at each of which they are authorized to collect tolls, at the rates established by law, in proportion to the distance travelled.

Concerning road tax of certain persons

§ 3. That Edward S. Perrie, Charles Humphreys, Richard C. Durrett, William Durrett, Basil D. Owens, James M. Tucker, James Gault, John Curtis, Paul T. Best, Jos. Best, Edward M. Best, Wyatt Weeden, James B. Claybrooke, John Chandless, John H. Curtis, William Howell, Mary Howell, James H. Devine, Gideon W. Kirk, Anthony Kilgore, Charles Kilgore, Sr. William T. Sallee, Oramel B. Burgess, James C. Savage, Joseph Kirk, Milton C. Smith, Coleman D. Brown, Mary P. Durrett, Gabriella Durrett, and Abner Best, citizens of Mason county residing upon the line of said road, and those who may hereafter succeed them in the possession of the farms now occupied by them, after keeping in repair the roads leading into said

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turnpike within their respective road districts, shall be required to discharge the remainder of the road tax assessed against them by existing or subsequent laws, by performing labor upon said turnpike road, or by the payment of such road tax in money to said company, to be by them appropriated to the construction and repair of said road.

Approved February 11, 1854.

CHAPTER 198.

AN ACT for the benefit of School District No. 5, in Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the superintendent of public instruction be and he is hereby directed to draw his warrant upon the auditor for thirty-six dollars and sixty cents, in favor of the school commissioners of Muhlenburg county, to be paid to the trustees of school district No. 5, in said county, for the benefit of a common school taught therein for the year 1851: *Provided,* that said amount be charged to said county, and deducted from the portion of the income of the common school fund to which said county is entitled.

Approved February 11, 1854.

CHAPTER 199.

AN ACT to amend the charter of the Nashville and Cincinnati Railroad Company.

Right of way,
and how secured.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Nashville and Cincinnati Railroad Company shall have all the rights, powers, and privileges, and be subject to the same regulations and restrictions in acquiring the right of way and securing real estate, stone, earth, gravel, and timber, for the construction and use of their road and branches, that are conferred on the Louisville and Nashville Railroad Company, by the fourth section of an act approved March 20th, 1851, entitled "an act to amend an act, entitled, an act to charter the Louisville and Nashville Railroad Company, approved March 5th, 1850;" and the said fourth section is hereby adopted and made applicable to the Nashville and Cincinnati Railroad Company, as fully and to the same extent as it is to the Louisville and Nashville Railroad Company.

May issue their
bonds for money
borrowed.

§ 2. That the Nashville and Cincinnati Railroad Company be and they are hereby authorized to borrow on the credit of said company, a sum of money not exceeding three millions of dollars, and may issue the bonds of said company for the amount borrowed, payable at such time

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~~and bearing such rate of interest as said company may determine, and shall have full power to secure the payment of said bonds and interest by a mortgage or deed of trust on the property, the road, and franchises of said company.~~

§ 3. That so much of the act incorporating said company as requires them to construct their road by or through the town of Gallatin, in the state of Tennessee, be and the same is hereby repealed.

§ 4. That said company be and they are hereby authorized to make calls on their stock subscribed, or which may be subscribed, to be paid in such installments and at such times as said company may determine, without limit as to time or amount: *Provided*, no payment on the stock of said company shall be demanded until at least thirty days public notice of such call or demand shall have been published by said company, in one or more of the newspapers published in Nashville or Lexington.

Calls on stock, when paid.

§ 5. That the county court of any county through which said railroad, or any of its branches, may pass, is hereby authorized and empowered to subscribe to the capital stock of said company, in the name of said county, not exceeding in any one county the sum of three hundred thousand dollars, but no such subscription shall be made until after such court shall have submitted the question of such subscription to the legally qualified voters of such county, and the proposition shall have received in favor of it a majority of all the votes cast: *Provided*, said vote shall be taken at any time to be appointed by said county court, upon application made by the president and directors of said company: *And provided further*, that so much of this section as provides the manner and terms upon which county courts are authorized to subscribe stock in said road, shall not apply to the county of Allen, but said county shall, in the subscription of stock in said road, be governed by the laws now in force under the original charter of said road and amendments thereto. That sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, and so much of section 21 as does not conflict herewith in relation to the time of taking said vote, of an act, approved January 9, 1852, entitled, "an act to amend an act, entitled, an act to charter the Louisville and Nashville Railroad, and the act amending the same approved March 20th, 1851," are hereby adopted and enacted as part of this act, as fully and effectually as if here inserted, except changing the words "Louisville and Nashville," whenever occurring therein, for the words "Nashville and Cincinnati."

Counties may subscribe to said road; how vote to be taken.

Adopts certain sections of charter of Louisville and Nashville railroad company.

§ 6. That the third, fifth, and so much of the sixth section as relates to the power of said company to unite with other roads and to construct branches, and the seventh and eighth sections of an act, entitled, "an act to incorporate the Nashville and Cincinnati Railroad Company," ap-

Parts of certain acts repealed.

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proved January 7th, 1852, and so much of an act, entitled, "an act to amend an act, entitled, an act to incorporate the Nashville and Cincinnati Railroad Company," approved January 9, 1852, as conflicts herewith, are hereby repealed, and the provisions of the charter of said company passed by the legislature of Tennessee, and which was re-adopted and made part of said act of incorporation, are revived and made as operative and effectual in this commonwealth as though said recited sections had not been adopted.

Approved February 13, 1854.

CHAPTER 200.

AN ACT authorizing the Justices of Bracken county to hold the February term 1854 of the County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for any one of the justices of the peace for the county of Bracken to sit and hold the February term of the Bracken county court, for the year 1854; and the justice who may hold the court shall be and is vested with all the powers of the presiding judge of said county, and shall have power to do and perform all and every act that said judge could do and perform, and shall have the right to sign the orders made at said term, and they shall be binding and legal, as though the presiding judge had presided and signed the same. This act shall be in force and take effect from its passage.

Approved February 13, 1854.

CHAPTER 201.

AN ACT to amend an act, entitled, an act extending the limits of the city of Maysville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act extending the limits of the city of Maysville, passed at the present session of this assembly, shall take effect from the passage of this supplemental act.

Approved February 13, 1854.

CHAPTER 202.

AN ACT to incorporate the city of Henderson.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the county of Henderson as includes and embraces the whole of the territory now included within the boundaries of the town of Henderson, agreeably to its present limits, as is described and

Boundary de-
scribed, and gen-
eral powers

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defined in the act of January 1, 1840, and as amended by act of January 7, 1852, and laid out by survey and the plat recorded and extending across the Ohio river opposite and in front of said town, as far as the jurisdiction of the state of Kentucky extends, and the persons residing within said boundaries, are hereby created a body corporate and politio by the name and style of the City of Henderson, and by that name may have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended against at law and in equity, in all courts and places, and in all matters whatsoever; contract and be contracted with, purchase lands, tenements, goods and chattles, and hold the same for the benefit of themselves and successors, or sell and convey them to other persons; have and use a common seal, and break and alter it at pleasure, and generally have and enjoy all the powers and privileges and be liable to all the duties and obligations of a municipal corporation. The exercise of the powers and the administration of the affairs of said city are hereby confided to one principal officer, to be styled the mayor, and a board of three persons from each ward of said city, to be styled the council, and such other officers as are hereinafter named and provided for:

§ 2. Said city is hereby invested with all the lands, tenements, and hereditaments, and their appurtenances, and all the goods and chattels, moneys, revenues, rights and demands, in possession or expectancy, accrued or to accrue, of the town of Henderson, as fully as the same were held by said town; and said city shall be bound by all contracts, and liable for all debts and demands, accrued or to accrue, in the same manner and to the same extent, as said town was or might be bound or liable; including the debts contracted by the trustees of said town during the year 1853, to Moses Ross, for work on the landings and streets of said town; and all suits pending and all judgments recovered in any court, may be continued and prosecuted, and the benefits thereof recovered, as effectually in the name of said city, as they could have been in the name of said town, if this act had not been passed.

Lands included in, vested—and bound for all contracts of the town.

§ 3. Said city is hereby divided into two wards as follows, to-wit: The first ward shall include all that part which lies above Mill street, and the second ward shall include all that part which lies below Mill street; and the mayor and council are hereby authorized to change the number and boundaries of said wards as the public convenience shall require, always endeavoring to equalize as nearly as may be the population thereof respectively.

Divided into two wards.

§ 4. The officers of the city of Henderson shall consist of a mayor, three councilmen for each ward, a city judge, an assessor, marshal, treasurer, clerk, and such other officers as from time to time may be found necessary and proper to transact the business of the city. The mayor,

Officers.

Officers, effective.

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Officers to be appointed.

When to be elected, & term of office.

What required to make eligible to office.

Qualification; required to be a voter.

Duties and powers of mayor.

Who to constitute common council.

councilmen, city judge, marshal, assessor, and treasurer shall be elected by the qualified voters of the city; all the other officers shall be appointed by the mayor and council, and be liable to dismissal at the pleasure of the council.

§ 5. The mayor, councilmen, and all other elective officers shall be elected on the first Monday of May, 1854. The mayor, city judge, and marshal to hold their office two years and until their successors shall be elected and qualified; all the other elective officers may hold office one year, and until their successors shall be chosen and qualified. All officers shall take an oath or affirmation to faithfully discharge their respective duties.

§ 6. No person shall be eligible to the office of mayor, who has not resided two years within the limits of the city, and have attained the age of twenty-five years; nor shall any person be eligible to any other office created by this charter who has not been a resident within the limits of the city one year next preceding his election or appointment, and a qualified voter under the constitution and laws of the state of Kentucky: *Provided*, that no officer into whose hands the money of the city may pass, shall be eligible to re-election until he has discharged his liability therefor, and obtained a legal discharge for the same.

§ 7. Every white male citizen over the age of twenty-one years, (who is sane and not a pauper,) who shall be a legal voter under the constitution and laws of the state, and has resided sixty days next preceding the day of election in the city, shall be entitled to the right of suffrage in all elections for city officers.

§ 8. It shall be the duty of the mayor to preside at all meetings of the council, and in all cases of a tie he shall have a vote, and not otherwise; he shall be a conservator of the public peace; may arrest offenders against the penal laws of the city and of the commonwealth, on view, and summon the *posse comitatus* to his aid if necessary; he shall exercise a strict supervisory control over the public affairs of the city; see that the ordinances of the city are duly enforced and observed, and that each and every officer of the city properly discharges his duty, and cause to be impeached any one of them who may prove derelict; he shall take the necessary steps, and is empowered with due authority to suppress all riots, insurrections, and disorderly meetings; he shall sign all commissions, licenses, and permits granted by authority of the city; perform all such duties and exercise such powers as from time to time may be confided to him by the laws and ordinances of the city, or may otherwise pertain to the office of mayor.

§ 9. The three councilmen elected on the first Monday of May, 1854, from each ward, together with the mayor, shall constitute the common council for one year subsequent to their election, and until their successors shall be chosen and qualified. At their first meeting they shall ap-

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Clerk to be appointed, and record kept.

Days of meetings.

Capitation tax fixed.

Ad valorem tax fixed.

Specific tax.

Tax on hired slaves.

Copy of assessment with precept to be furnished marshal.

appoint a clerk, who shall keep a true and intelligible record, in a book provided for that purpose, of all the proceedings of the council, which said record shall at all times, during business hours, be subject to examination by any citizen, and perform such other reasonable duties pertaining to his office as may be required of him by the council. The council shall meet on the first Tuesday in each month, and oftener if the public business may require it; and shall meet upon their own adjournments, and determine the rules of their own proceedings, which shall be always open to the public. A majority of the council shall be necessary to transact business. In the absence of the mayor the councilmen shall select one from their own body to preside in their meetings. The mayor and council shall have full power and authority to assess and collect annually, against each and every male inhabitant liable to taxation under the laws of the state of Kentucky, (slaves excepted,) a capitation tax not exceeding one dollar and fifty cents, and upon all slaves and other property, real, personal, and mixed, including regular merchandise, except such as is exempt by the laws of the state from taxation, and except rights, credits, and money which is to be found and usually kept in the city, such *ad valorem* tax as they shall from time to time deem expedient: *Provided*, such assessment shall not exceed fifty cents on the one hundred dollars worth of taxable property: *Provided however*, that in lieu of an *ad valorem* tax the council may levy each year a specific tax on each house for the sale of merchandise of any kind, dry goods, groceries, or liquors, or any or all of them, boat-stores, or for the purchase and sale of country produce; upon each tobacco stemmery, forwarding and commission house, or boat occupied for any of the above purposes, of any sum between five and fifty dollars; and the amount to be assessed as nearly as may be by the amount of business done by said houses. The council shall have a discretionary power to tax slaves hired in the city for a less term than one year, or slaves hired on steam-boats by owners living in the city, but in no case shall such assessment exceed fifty cents on the hundred dollars of valuation. The council shall cause to be made out a copy of the assessment roll of the previous year on or before the first Monday of February of each year, and handed to the assessor, together with a precept, commanding him in the name of the city, to make and return to the mayor and council, on or before the first Monday of May then next, a complete list of all persons liable to the poll tax as aforesaid, and of all lands, tenements, and hereditaments, goods and chattels, liable to be taxed as aforesaid, with the name of the owner thereof, (if known,) and a just valuation and a certain description of said property. The assessor shall execute and return said precept according to the command thereof, stating therein the names of

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the persons respectively liable for such taxes, in alphabetical order, and every such assessment shall be made on taken as if made on the first Monday of March in each year, from which time the taxes of the current year shall be a lien upon the property so assessed, and a charge against the then owner thereof, until such taxes shall be paid; but for the present year the mayor and council shall cause such taxes to be assessed as nearly as possible in the manner aforesaid, without regarding, however, the precise time stated aforesaid.

Laying out, altering, grading, and paving streets.

Damages to owner of ground, how assessed and paid.

§ 10. The mayor and council shall have power to lay out, make, alter, grade, pave, and repair, at the expense of the city, all such streets, side-walks, alleys, market spaces, and other public improvements of the like kind within the city, as they shall from time to time think proper, and have the exclusive supervision thereof. If the private property of any person is taken or used by order of the mayor and council for streets, alleys, or other public improvements made in the city, or if the grounds, buildings, or other property of a private person shall be injured as a consequence of carrying out the laws and ordinances of the city, such person shall be paid a just compensation therefor out of the city treasury, the damages sustained to be assessed by a jury to be summoned by the sheriff of Henderson county, before the county judge of said county, which may be done at the instance of either party—the proceedings to be regular as in other cases of adjudication. Either party may appeal from the decision of the jury within thirty days after the award shall be made known by filing a bond in the clerk's office of the Henderson circuit court, with such penalty and such security as the clerk of said court shall determine, conditioned to prosecute such appeal to effect; or either party may in the first instance file a petition in said court, concisely stating the facts of the case, and praying that damages may be assessed; and in either case the suit shall be tried by a jury unless the parties shall agree that the court shall try it; but no other question shall be determined than the regularity of the proceeding in the suit, and the amount of damages sustained. And so long as the mayor and council shall not be guilty of an abuse of their power in making any such improvement, or doing any other acts, or not be guilty of gross neglect, they shall not be personally liable to any action therefor, nor shall the city be liable therefor otherwise than in the manner aforesaid; nor shall the mayor and council be prohibited or delayed in proceeding with such improvement or doing any lawful act.

Wharves to be made and repaired. Rates of wharfage, and how secured.

§ 11. The mayor and council shall have power to make and repair all necessary wharves, piers, docks, landings and other improvements of the like kind along the Ohio river, and in the city, and to fix by ordinance rates of wharfage and other fees for the use of the same, and have the exclu-

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~~give~~ supervision and regulation thereof; and such wharfage and fees shall, until paid, be a lien upon the boat or other craft, goods, or other property; on account of which the same accrued, and if payment thereof shall, after demand, be refused, such boat, craft, or other property may be proceeded against by attachment, whether the owners thereof shall be known or not, in the manner and subject to the provisions prescribed in the statute laws of Kentucky authorizing the seizure of boats and other vessels.

§ 12. In all cases of public nuisances, of whatever kind, the mayor and council, after reasonable notice to the party guilty thereof, and his neglect to abate the same, may cause the same to be abated, and sue such guilty party in any court of competent jurisdiction, and recover a full compensation for the expenses of such abatement; and if such expenses shall be incurred in the draining, filling up, or otherwise repairing of any ground in the city, they shall be a lien upon such ground, and may be enforced accordingly by the mayor and council.

Nuisances, how abated.

§ 13. Every free negro who may hereafter remove to this city, shall file a bond, to the acceptance of the city judge, in his office, conditioned for his or her good behavior for one year, under a penalty of two hundred dollars, within ten days after his or her arrival. He or she shall, at the expiration of each and every year, renew the said bond. In default of such bond being so filed, by any free negro found in this city who may have resided within its chartered limits ten days, may be arrested and taken before the city judge, and if found guilty of non-compliance with the provisions of this section, shall be fined in any sum not less than fifty dollars nor more than two hundred dollars and costs of suit; and in default of payment thereof he or she shall be advertised at least ten days and sold into servitude for the least term of time that will pay the said fine and costs.

Free negroes removing to city to give bond and renew same; penalty for failure.

§ 14. The mayor and council shall grant a license to any person applying for the same, who may have complied with the statute of the state in such cases made and provided, to retail spirituous liquors by less quantity than one quart, to keep a tavern, inn, ale, porter or coffee house, or shop, or any other house of public entertainment or convenience not prohibited by law. They shall also grant a license or permit to any person wishing to exhibit for gain any animal, wax figure, or other natural or artificial curiosity, or any feats of horsemanship, circus riding, tumbling, vaulting, rope or wire dancing, ledgerdmain, ventriloquism, or other feats of agility; and in granting such license it shall be lawful for the mayor and council to require that such sum of money shall be paid therefor, and to prescribe such conditions and regulations, of the use thereof; as to them shall seem right; and for a violation of such conditions and rules, the mayor and council may, in

Retail license and license to show, how and by whom granted; conditions and penalty for violation.

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their discretion, suspend or revoke such license; and if any person, without having obtained such license, shall keep such house, inn, or shop, or sell by retail any such liquors, or exhibit any such show for gain, in the city, he, she or they, and all aiding and assisting him, her or them therein, shall severally forfeit and pay for each offense, a penalty of not less than ten nor more than fifty dollars for the benefit of the city.

May borrow money & pledge property and resources with concurrence of voters.

Provision for payment of interest to be made.

Ordinance for borrowing money to be published.

Board of health of may be established. Paupers to be provided for. Engines to be purchased & fire companies organized. Purchase burial grounds. Declare what are nuisances. Appoint inspectors, &c. License porters, and prevent hogs, &c. from running at large. Suppress gaming, &c.

§ 15. The mayor and council (a majority of all elected voting for it,) shall have power to borrow money, and issue the bonds of the city for the same, and pledge the faith, property, and revenues of the city therefor; but no amount beyond the revenue of the current year shall be borrowed without the concurrence of a majority of all the qualified voters of the city. When the mayor and council submit a proposition to the voters of said city to authorize them to borrow money, they shall issue an ordinance stating the sum proposed to be borrowed, the time for which it is to be borrowed, and the object or objects for which the money borrowed is to be expended; and the money so borrowed shall be applied to the purpose for which it was borrowed. The mayor and council shall, before they issue an ordinance to take the vote of said city to authorize them to borrow money, make provision for payment of the interest on the sum to be borrowed, as it shall accrue, and to pay the debt when it shall become due, which provision so made shall be distinctly stated in the ordinance proposing to borrow money; and the ordinance made shall be published in one or more newspapers in the city of Henderson, for at least three weeks before the vote is taken. All bonds of the city for the payment of money, shall be signed by the mayor and countersigned by the treasurer. No bond of the city shall be sold for less than par, or bear a higher rate of interest than six per cent. payable semi-annually. The mayor and council shall also have power and authority to establish a board of health for the city, and invest it with such powers, impose upon it such duties and prescribe for it such regulations, as shall best secure the city from contagious and infectious diseases, and make all other provisions, and do all other things necessary to the public health; to provide for the maintenance of the paupers of the city; to procure fire engines, hose and other fire apparatus, establish and organize fire companies, and make all proper regulations for their government; and for that purpose to make such abatement of the poll and other taxes of firemen, who shall be exempt from serving on any jury; to compel the citizens to provide themselves with fire buckets, and assist in the extinguishment of fires; to regulate the sweeping and burning out of chimneys, the storage of gunpowder and other combustible and dangerous articles, and to take all other usual and proper measures for preventing or extin-

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quishing fires; to sink wells and cisterns, and supply the city with wholesome water; to provide for lighting the streets of the city; to establish a city watch, with power in the watchman to arrest all persons found within the city violating any of the criminal laws of this state, or penal ordinances of the city, and take them before the city judge or magistrate for examination; to regulate and prevent the interment of deceased persons within the city, and purchase, hold and regulate burying grounds for the city; to abate and prevent the erection of all nuisances, define and declare what shall be a nuisance, and prevent, by fine, the exercise of all noxious or offensive trades within the city, or within any part thereof; to establish markets and market places, and regulate the buying and selling of articles usually sold in market; to appoint measurers, weighers, guagers and inspectors, for ascertaining the quality and quantity of flour, meal, beef, pork, and other provisions, coal, wood, lumber, hay, and other articles for market, and the accuracy of weights and measures, and fix the fees of such officers; to license and regulate porters, carts, wagons, hacks, and other vehicles plying in the city for hire; fix the prices therefor, and prohibit those not licensed; to license auctioneers, and regulate auctions, except in the case of auctions authorized by the general laws of this state; to prohibit and prevent hogs, cattle, horses, and other animals from running at large in the city; to assess an animal tax on the owners or keepers of dogs within the city; to suppress gaming houses and houses of ill fame, and punish the persons who shall keep them, and to preserve good order and the public peace, by preventing intoxication, immorality, lewdness, idleness, vagrancy, quarrelling, fighting, rioting, and other disorderly conduct within the city, and punish those guilty of such conduct therein; and the mayor and council are hereby authorized to make all by-laws, ordinances, and regulations, necessary and proper to carry the foregoing and all other powers granted by this act into full effect, and to enforce the same by penalties not exceeding fifty dollars, to be recovered before the city judge.

§ 16. On the second Monday of May annually, or as soon after as practicable, (but this present year as soon after the assessment roll be returned as practicable,) the mayor and council shall determine the amount of the poll and the rate of the ad valorem taxes for the year; and the clerk shall thereupon make and deliver to the marshal, as soon as practicable, a list in alphabetical order of the persons named in the assessment roll, and the amount of the taxes of the current year and delinquent taxes of the preceding two years, charged against each, specifying whether the tax is a poll or property tax, and if the latter, concisely describing the property; with a precept under the seal of the city, commanding the marshal, in the name of

When taxes to be fixed. Lists to be made and delivered to marshal.

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the city, to collect the taxes charged in said list, by demanding payment of the persons therein charged, or by distress and sale of their respective goods and chattels, or of lands, tenements, and hereditaments described in said list, and to return said precept and list to the mayor and council and pay over the money so collected to the treasurer, on or before the first Monday of November then next.

When return
to be made by
marshal, and
what to contain.

§ 17. The marshal shall execute and return said precept according to the command thereof; and he shall specify in his return what taxes have been collected by distress and sale, the property sold, the price for which it sold, and the name of the purchasers, and what taxes remain unpaid, and the cause of their non-payment; and he shall make oath that his return is just and true; which oath shall be annexed to his return; the marshal shall also report to the mayor and council all omissions and other errors in the assessment and tax rolls, which shall have come to his knowledge, and the mayor and council shall at all times have power to correct any assessment or tax roll, by adding to or subtracting from as to them shall seem right, and to refund any moneys and make any other just restitution for taxes wrongfully assessed and collected.

Marshal's duty
in collecting
tax.

§ 18. The marshal, upon receipt of the tax book, shall advertise in one or more newspapers of the city, calling on the tax-payers to meet him at his office to pay their taxes, and if any tax shall remain unpaid on the first Monday in August, the marshal may collect the same by distress and sale at auction of the goods and chattels of the person charged therewith and found in the city, returning the overplus, if any, to the owner, giving ten days notice of such sale, by written advertisements, put up in three public places in the city.

Bond to be
given by mar-
shal and treas-
urer.

§ 19. The treasurer and marshal shall, before entering upon the discharge of their respective duties, each execute a bond, in the penalty of four thousand dollars, with good and sufficient security, conditioned for their honest and faithful discharge of official duty—the bonds to be approved by the council, who shall cause the same to be filed in the clerk's office; and true copies of which shall be spread of record. If, at any time it shall be deemed proper, the council may require additional security of one or both the above named officers, and increase the amount of either or both their said bonds.

Rules in rela-
tion to officers
and their im-
peachment.

§ 20. The mayor and council shall be authorized to establish rules to enforce a faithful and honest discharge of the official functions of all the officers of the city, and to inflict a penalty for their non-observance—to remove from office the mayor, or any member of the council, or other city officer; but in all cases of impeachment the party accused shall be notified of the charge or allegations against him at least ten days previous to the day of trial,

1854.

Streets, how
graded and pav-
ed.

Assessments
for, how made
and collection
enforced.

and they shall also be placed of record in the proceedings of the council.

§ 21. Whenever the owners of two-thirds of the freehold property (to be determined by lineal measure of front feet) on any street shall by petition represent to the mayor and council that they are desirous of having such street or alley or section thereof, graded, paved, or otherwise improved or lighted at the expense of the owners of lots fronting on such proposed improvement, and shall show therein particularly what lots or parts of lots are owned respectively by the petitioners, the mayor and council shall cause such petitions to be recorded, and such improvements to be made as nearly according to the prayer of the petition as shall be consistent with the general plan of improving the city, and without rendering the city liable for any other expense than the making such improvements at the intersections of the streets and alleys, and the superintending the work; all the other expenses the mayor and council shall assess upon the lots fronting on such improvement, in proportion to their number of feet thereon; and such assessment, with the names, if known, of the owners of the lots, shall be recorded; and the clerk shall forthwith make out a copy thereof and hand it to the marshal with a precept under the seal of the city, commanding him to collect such assessment by demanding payment thereof from the owners, or by distress and sale of the lots according to exigency, and to return said assessment and precept to the mayor and council, and pay over the moneys so collected to the treasurer, within three months from the date of said precept; and the marshal shall forthwith demand payment of such owners, who reside in the city, and give notice to those who are non-residents or unknown, by publication one month in a newspaper of the city, concisely stating in such publication and demand the names of the owners, if known, the numbers of the lots, or the parts thereof, and the amount of the assessment; and that unless the assessments shall be paid, the lots or the parts thereof will be sold to satisfy them; any person aggrieved by such assessment, may appeal therefrom to the Henderson circuit court, within thirty days after such demand, or publication, by filing his bond in said court, in such penalty and with such security as the clerk of said court shall determine, conditioned to prosecute his appeal to effect and pay the amount which may be adjudged against him; and all assessments not so appealed from, shall be conclusive upon the owners; and unless paid the marshal shall collect them by giving such notice, selling such interests, and giving such certificate of sale, as are prescribed in the twenty-ninth section of this act; and such certificate shall be recorded and have like effect, and be subject to like redemption as are therein stated, and the money paid or collected on said assess-

1864.

Buildings may
be erected, and
for what pur-
pose, how, and
by whom kept.

Moneys col-
lected to be paid
into treasury—
how drawn
therefrom.

Demands, how
paid.

Statement of
receipts, &c. to
be published.

Fines, to whom
paid.

Special meet-
ings, copies of
proceedings ev-
idence, by-laws,
and ordinances
to be published.

ment shall be appropriated for the payment of the expense of such improvement or lighting; or, the mayor and council may at any time, when in their opinion the public good shall demand it, proceed to make such improvement, in the absence of such petition, and cause the same to be paid for in the manner prescribed above.

§ 22. The mayor and council shall have power to erect all buildings which they may deem necessary, and when the public good shall require it, to erect a city prison, and regulate the management and police thereof; and the mayor shall be the keeper thereof, and have the same authority, and be subject to the same liability as such, the jailers have and are subject to as the keepers of county jails: *Provided*, that until such prison shall be ready for the reception of prisoners, the said city shall be allowed the use of the jail of Henderson county for the confinement of all such persons as may be convicted before the city judge and who shall be liable to imprisonment under the laws of this state, or ordinances of said city; and all persons so imprisoned shall be under the charge of the jailer of the said county of Henderson, who shall receive and discharge such persons in and from said jail in such manner as shall be prescribed by the ordinances of said city or otherwise by due course of law.

§ 23. All moneys of the city raised, collected, or received, by the means of taxes, licenses, penalties, or otherwise, shall be paid into the treasury, and shall not be drawn therefrom except by the authority of the mayor and council upon an order signed by the mayor and countersigned by the clerk. The mayor and council shall cause all demands in favor of and against the city to be adjusted and paid as speedily as possible; and shall require all officers and agents entrusted with the keeping or expenditure of moneys of the city, to account for, and dispose of the same, at such short intervals, and in such manner as they may direct, and they shall cause annually to be published in one or more newspapers of the city, a full and concise statement of the receipts and expenditures of the city. They shall also, at the close of each fiscal year, cause to be published a true delinquent list, giving the name of each delinquent tax payer, with the amount of his or her delinquency, to be published in like manner.

§ 24. All fines assessed by the city judge for offenses against the penal laws of the state, shall be paid over to the trustee of the jury fund so soon as collected.

§ 25. The mayor, or a majority of the council, may call special meetings of the mayor and council whenever they shall judge it expedient, by giving notice to the other councilmen who shall at that time be in the city; the mayor, and in his absence the president pro tempore of the council, shall sign the records of their proceedings, and a copy of the record so signed, certified by the clerk and un-

1854.

the seal of the city, shall be competent evidence in any court in this state. No by-laws or ordinances of a penal nature shall be passed by the mayor and council without being publicly read twice, and the vote upon the passage hereof shall be by ayes and noes, and entered on the record: but no such by-laws or ordinances shall be in force until a copy thereof, certified by the clerk under the seal of the city, shall have been published ten days in one or more newspapers of the city.

§ 26. On the first Monday of May next, and biennially hereafter, a city judge shall be elected by the qualified voters of the city. The mayor shall certify to the governor of the state the name of the person chosen city judge, when the governor shall issue, without delay, a commission to him as such city judge. On receipt of such commission the city judge shall, before entering on the discharge of the duties of his office, take an oath or affirmation that he will support the constitution of the United States, and that of the state of Kentucky, and faithfully to discharge the duties of his office. In case of vacancy in the office of city judge, it shall be the duty of the mayor and council to fill the vacancy by appointment of a successor to serve until the next annual election, and until his successor shall be elected, commissioned, and qualified. The city judge shall have the same jurisdiction and power in both civil and criminal cases which justices of the peace have, if the causes of action or of complaint shall have arisen, or the defendants or one of the defendants shall be found in the city; and he shall have jurisdiction of all cases for a violation of any by-law or ordinance of the mayor and council; he shall also have the same power to issue all process for carrying the jurisdiction into effect, shall proceed in the same manner, and be entitled to the same fees, as justices of the peace; he shall keep a docket, which in all respects shall have the same effect as the docket of a justice of the peace, and a copy therefrom, certified by the city judge under his seal, shall be competent evidence in any court in this state; and the parties to any suit before him shall have the same right to a change of venue, to a trial by jury, and to an appeal, as if the suit was pending before a justice of the peace. As soon as such city judge shall be qualified, the docket and files of the police judge of the town of Henderson shall be delivered to him and he shall hold and act upon the same as a justice of the peace holds and acts upon the docket of his predecessor in office.

City judge to be elected and commissioned.

To take an oath.

Vacancy, how filled.

Jurisdiction and powers.

§ 28. It shall be the duty of the marshal to serve and return all process directed to him by the city judge, and his power for this purpose shall be co-extensive with Henderson county; also to collect the taxes and perform all the duties of a collector; he shall attend all trials before the city judge; receive the same fees for services and do the

Duties and powers of marshal.

1854.

Process may
be directed to
constable.

Lands may be
sold for taxes,
how, and when,
and by whom.

Charges al-
lowed and cer-
tificate of sale
given.

Lands sold
may be redeem-
ed, how, and by
whom.

same duties in like cases as constables. In case of the absence or inability of the marshal the city judge may direct process to any constable of Henderson county, who shall serve and return the same. The marshal may appoint one or more deputies in the same manner and subject to like responsibilities as sheriffs.

§ 29. If no goods or chattels shall be found out of which to make the taxes charged on any lands, tenements, and hereditaments, or being found and sold shall be insufficient to satisfy such taxes, the marshal shall seize such lands, tenements, or hereditaments, and having given three weeks general notice of the sale in a newspaper published in the city, he shall, at the court house in the city, on the fourth Monday of October, between 10 o'clock in the forenoon and 5 o'clock in the afternoon, and thence from day to day as long as shall be necessary, sell at public auction for cash, the least interest in said lands, tenements, or hereditaments that will satisfy the taxes charged thereon and the costs of sale; and the taxes and costs being paid by the purchaser the marshal shall give to him a certificate of such sale, signed and sealed by himself, stating particularly the property sold, the amount and year of the tax, and the purchaser's name; said certificate shall be recorded by the clerk in a book kept for that purpose, within sixty days after its date. The marshal shall charge one dollar in the cost of sale, of which he shall keep seventy-five cents for making, and pay to the clerk twenty-five cents for recording the certificate; and if all proceedings relative to the tax and sale shall have been regular such certificate shall vest in the purchaser and his representatives and assigns an indefeasible title to the interest so purchased in such lands, tenements, or hereditaments, and the certificate shall be *prima facie* evidence of such regularity. If any lot or part of lot, sold as directed by this section, shall not be redeemed at the expiration of two years from the date of the sale, the marshal that made the sale, or the marshal of the city for the time being, shall make a deed to the purchaser, in which deed the certificate of sale shall be recited, and acknowledge the same for record in the Henderson county court clerk's office; and such deed shall be *prima facie* evidence of the regularity of the sale, and vest an indefeasible title in the purchaser. But any person interested in the lands, tenements, or hereditaments so sold may redeem the same at any time within two years from the date of such sale, by paying to the purchaser, or the clerk of the city for the purchaser's use, the amount for which the same was sold, together with one hundred per cent. thereon, and six per cent. per annum as interest on the purchase money; but the purchaser, his representatives and assigns, shall not be liable to account for the use and occupation of the lands, tenements, and hereditaments between such sale and redemption, and they shall have the

right to remove all improvements made by them within such period; this act shall not be so construed as to impair the rights of infants and *femes covert* to redeem as aforesaid, or to contest the validity of the sale as aforesaid for two years after their respective disabilities shall be removed, but this saving shall not extend to any joint tenant or tenant in common not laboring under said disability.

§ 30. The council shall provide by ordinance for all elections, in conformity with this act and the constitution and laws of this state.

§ 31. The first election under this act shall be held on the first Monday of May, 1854, at such places in the respective wards as shall be designated by the commissioners (or any one of them,) hereinafter named and empowered to superintend the organization of the city government under this act. It is hereby made the duty of the sheriff of Henderson county to see that the proper officers be appointed and sworn to conduct the elections in the wards, and that the polls be opened and the elections conducted in the manner and form prescribed by law for holding elections. At the closing of the polls in each ward, it shall be the duty of the judges, clerk, and sheriffs of such elections to certify the poll books, and deposit the same with the sheriff, whose duty it is made to safely keep the same, until Wednesday next succeeding the election, and then such sheriff shall make due return of the same to the president and trustees of the town of Henderson, who by this act are required to meet on that day at the court house, between the hours of two and five o'clock, P. M. of said day, and compare the polls and declare the result. When the polls shall have been thus compared and the result thus declared, it shall be the duty of the clerk of the president and trustees of the town of Henderson, to notify in writing each person elected of his election: *Provided further*, that should the president and trustees of the town of Henderson fail to obey the requisition aforesaid, then the commissioners as above shall meet and discharge the duties hereby imposed upon the president and trustees, and their acts and doings under this commission shall be valid. The mayor and councilmen shall meet at the same place on the next Monday, at three o'clock in the afternoon, and be sworn into office; and thereupon the president and trustees of the town of Henderson shall deliver to the mayor and council, all records, papers and property in their or their clerk's hands pertaining to said town. Previous to all elections thereafter, the mayor shall, by proclamation issued ten days before the day of election, notify the qualified voters to meet at such places in their respective wards, as shall be appointed for holding elections, for the election of such officers, (naming them,) as are then to be chosen, which elections shall in all respects be conducted as hereinbefore di-

1854.

Rights of infants and *femes covert*.

Provision for elections.

First election, when and by whom to be held

Returns of election, when, to whom, and how made.

When mayor and council to meet. Proclamation to be made.

1854.

Commissioners
to superintend
organization of
city government.

To take an oath.

Officers re-
quired to give
bond.

Condition of
bond.

This act a pub-
lic act and judi-
cially noticed.

When to be in
force.

Ratification
election, when
to be held.

rected ; but the mayor and council are authorized to appoint the sheriffs and judges for such elections; the sheriffs and judges shall certify the returns of elections to the mayor, and the mayor and council shall meet within five days after such elections, inspect and compare the returns and declare the result, and cause the persons elected to be notified thereof; and on the second Monday of May deliver over to their successors all records, papers, and property in their hands to their successors.

§ 32. John H. Lambert, James Rouse, W. Brewster, L. F. Danforth, Elijah W. Worsham, and James E. Rankin are hereby appointed commissioners to superintend the organization of the city government under this charter—the acts of a quorum to be valid and in all respects binding. Said commissioners are required to make oath or affirmation before a civil magistrate, or other officer authorized to administer oaths, before entering on the discharge of their duties, and their commission shall terminate so soon as the government shall be organized as prescribed in this act.

§ 33. The common council shall have full power to cause each officer appointed by them, before he enters upon the duties of his office, to execute bond in such penalty as they may direct, (by ordinance,) with such security as they may approve, conditioned that he will faithfully discharge the duties of his office, and fully pay over to the treasurer, when required by order of the council, all moneys which he may have received by virtue of his office; which bond shall be filed away by the clerk. Each and every bond required or authorized to be executed by this act, by any city officer, (except as otherwise provided,) shall be executed to the “city of Henderson;” and upon all such bonds suit may be brought, and judgment recovered in any of the courts of this commonwealth. All suits commenced hereafter and prosecuted for and on behalf of said city, shall be in the name of the “city of Henderson.”

§ 34. This act shall be a public act, and be judicially noticed and liberally construed by all courts in this state; and in pleading it shall not be necessary to recite the by-laws or ordinances of the mayor and council, but it shall be sufficient to refer to their date, title, and section; the rights and privileges herein granted shall not be taken away or affected by any law hereinafter made, unless the corporation hereby created shall be expressly named therein; and the fact of any person being a citizen of the city of Henderson shall not render such person incompetent to be a witness in any suit to which the city may be a party.

§ 35. This act shall be in force from and after its publication in the Henderson Reporter and Henderson Courier and its ratification by the vote of a majority of the qualified voters of said town, under this act—the ratification election to be held on the third Monday of March next.

1854.

When act incorporating the town of Henderson to stand repealed.

Power to repeal, &c. reserved.

the court house in said town of Henderson, and to be conducted as prescribed above. Notice of the same shall be given one week by publication in the above named papers, or either one of them, so far as to authorize an election on the first Monday in May, 1854; and from that time the act, entitled, an act to incorporate the town of Henderson, and all other acts coming within the purview of this act, are hereby repealed: *Provided however*, that the legislature shall at any time have the right to repeal, alter, or amend this charter.

Approved February 18, 1854.

CHAPTER 203.

AN ACT concerning the Jail of Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the county court of Boone county, at its March term, 1854, or any regular term thereafter in the year 1854, (a majority of all the justices of the peace for said county concurring,) to impose and increase the levy of said county upon each and every tithe in the county subject to the payment of county levy tax, any sum not exceeding one dollar, for the purpose of defraying the expenses of building a new jail for said county; and may make such other and further orders in relation thereto as may be necessary.

Approved February 18, 1854.

CHAPTER 204.

AN ACT for the benefit of School District No. 4, in Clinton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the superintendent of public instruction be and he is hereby directed to draw his warrant upon the auditor of public accounts for forty-six dollars and eighty cents, in favor of the school commissioners of Clinton county, to be paid to the trustees of school district No. 4, in said county, for the benefit of the common school taught therein during the year 1850: *Provided*, said sum shall be charged to said county, and deducted from its portion of the income of the common school fund.

Approved February 18, 1854.

1854.

CHAPTER 205.

AN ACT to change the lines of the 4th and 5th Magistrates' Districts, in Grayson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the presiding judge of the Grayson county court be and he is hereby authorized so to change the lines of the 4th and 5th magistrates' district in Grayson county, as to include Jacob Pirtle, Benjamin Q. Fulkerson, and James F. Langley in the 4th district, instead of the 5th; which change shall be made upon a county court day, and entered upon the order book of said court.

Approved February 18, 1854.

CHAPTER 206.

AN ACT to amend the charter of the Bourbon County Agricultural Society.

May hold land.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Bourbon county agricultural society shall be authorized to purchase and hold any amount of land not exceeding fifty acres; and any purchases which said society has heretofore made are hereby legalized and made valid.

And borrow money.

§ 2. That said society are authorized to borrow any sum or sums of money, not exceeding ten thousand dollars at any one time, at any rate that may be agreed upon, not exceeding eight per cent. per annum, and may issue the bonds of said society for the money so borrowed, or any other amount said society may owe, bearing interest at a rate not exceeding eight per cent. per annum, and in sums not less than one hundred dollars, which bonds shall be signed by the president and secretary, and sealed with the seal of the corporation.

Approved February 18, 1854.

CHAPTER 207.

AN ACT to authorize the Graves County Court to change State roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the county court of Graves county shall have power and authority to change any part of any state road within the limits of said county, under the same rules, regulations, and restrictions that govern such cases by the general laws of this commonwealth in directing changes in other roads.

Approved February 18, 1854.

CHAPTER 208.

1854.

AN ACT to authorize the Harrison County Court to levy a tax to pay for Court House and Jail.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Harrison county court be and is hereby authorized to levy a capitation and *ad valorem* tax on all white titheables and property in said county subject to taxation for state or county purposes under existing laws, not to exceed in any one year more than three cents on the one hundred dollars worth of property nor more than one dollar on the head; in addition to what said court is now by law authorized to levy. This power is given for the purpose of paying the debts of said county incurred in building the court house and jail, and the interest thereon; the power vested by this act in said court is to continue only for five years, and to be exercised annually; and if the tax collected under this act liquidates the debts and interest aforesaid, before the expiration of five years, then this act is not to continue in force, after said liquidation.

County court may levy a tax until debts are paid.

§ 2. The sheriff of said county is hereby empowered to collect said tax, under the same rules, regulations, and penalties as now prescribed by law, and pay it over as the county levy is now paid.

Sheriff to collect.

Approved February 18, 1854.

CHAPTER 209.

AN ACT to amend an act incorporating the Jefferson and Brownsboro' Turnpike and Plank Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Jefferson and Brownsboro' Turnpike and Plank Road Company to erect half toll gates on the completion of any two and a half miles of said road, and the directory may, at their discretion, reduce the metal or rock on said road to ten feet in width, after the first five miles next the city of Louisville.

Approved February 18, 1854.

CHAPTER 211.

AN ACT for the benefit of the town of Carrollton.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That whenever a vacancy shall occur in the office of marshal of the town of Carrollton, by death or otherwise, the citizens of said town shall elect another marshal for the residue of the term, the time and place of said election to be fixed by the trustees of said town, and advertised ten days previously thereto.

1854.

§ 2. That a vacancy now existing in the said office of marshal may be filled in pursuance of the first section of this act.

Approved February 18, 1854.

CHAPTER 213.

AN ACT for the benefit of Thomas S. Bryan, late Sheriff of Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas S. Bryan, late sheriff of Christian county, be allowed the further time of two years, from and after the passage of this act, to collect all arrearages of taxes, fee bills, and county levies which are in his hands uncollected, and that said Bryan be allowed to place said taxes, fee bills, and county levies in the hands of any sheriff, deputy sheriff, or constable of Christian county for collection, at any time within the period aforesaid.

Approved February 18, 1854.

CHAPTER 214.

AN ACT to authorize the Calloway County Court to change the State road in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Calloway county court shall have power to change so much of the state road leading from Canton, in Trigg county, to Murray, in Calloway county, as lies between the houses of James Ross and Lewis Oglesvie; also that portion of the same road lying between the town of Murray and the bridge across Clark's river: *Provided,* that said court, in making said changes, shall be governed by the general laws now in force in relation to roads in this commonwealth, and that before any such changes be made, the proposed roads shall be opened and put in good order.

Approved February 18, 1854.

CHAPTER 215.

AN ACT to compensate the Commissioners of Common Schools in Christian county for districting the county into School Districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Christian county court is hereby authorized, in its next or some subsequent levy, to levy a sum sufficient to pay for a thorough re-adjusting and districting the said county into school districts, to be paid to the commissioners of common schools, in said county, whose duty it shall be to perform the labor indicated.

Approved February 18, 1854.

CHAPTER 216.

AN ACT for the benefit of Burlington, in Boone county.

1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the petition of three-fourths of the owners of real estate in the town of Burlington, Boone county, the trustees of said town, a majority of the whole number concurring, shall, if to them it seems best, be authorized to close any of the streets and alleys or parts of any of said streets and alleys in said town, or to reduce in width any of said streets and alleys or parts of the same; and the streets and alleys or parts of the same that may be reduced in width or closed under the provisions of this act, said trustees may sell or cause to be sold to the highest bidder, having given ten days previous notice at three of the most public places in said town of the time, terms and place of sale; and when the purchase money is all paid, said trustees are and shall be authorized to convey the same to the purchaser or purchasers. The proceeds of all such sales shall be applied by them to the improvement or embellishment of the streets of said town: *Provided*, that no sale of any street or alley or part of the same under the provisions of this act, shall be made unless the person or persons who own the lot or parts of lots fronting such streets or alleys consent to the same: *And provided also*, that if any person or persons owning ground in said town, and not concurring in the acclusion or curtailment of the streets and alleys as hereby provided for, shall claim damages for any injury resulting to him, her or them in consequence of the closing or narrowing of any street or alley under the authority of this act, an assessment of such damages shall be made by a jury under the superintendence of a justice of the peace, if demanded within six months after the act complained of, and the damages assessed shall be paid within one month after the assessment of them is made, to such person.

Trustees may close streets, &c.

And sell the same.

Approved February 18, 1854.

CHAPTER 217.

AN ACT to incorporate the Hazle Creek Baptist Church, in Muhlenburg county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Gilbert V. Rhodes, Robert Welborn, and G. D. Craig, and their successors in office, to be chosen by the members of the said Hazle creek church, be and they are hereby created a body politic and corporate, by the name and style of the trustees of the Hazle Creek Baptist Church, and by that name have perpetual succession, with full power to sue and be sued, to plead and be impleaded so far as may be necessary to protect their rights,

Corporate name and powers.

1854.

Title of lands
to vest in trust-
tees.

Church may
pass by laws.

titles, property and privileges which do now or may hereafter belong to the said church.

§ 2. The title to the land and personal property now belonging to and owned by said church shall vest in said trustees, together with the right to receive titles or conveyances of real or personal estate, by purchase or donation, not exceeding five acres of land, to be exempt from tax; to contract and be contracted with, and their acts shall be binding upon the members of said church, when made in pursuance of the instructions of a majority thereof.

§ 3. The said church may at any time pass such by-laws, rules, and regulations, not contrary to the constitution and laws of this state, as may be necessary for the management, protection, and safe keeping of their premises, house or houses, and cemetery, and all other effects thereunto belonging or in anywise pertaining.

Approved February 18, 1854.

CHAPTER 221.

AN ACT in relation to the town of Woodbury, in the county of Butler.

Town incor-
porated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Woodbury, in the county of Butler, be and the same is hereby incorporated with such metes and bounds as may hereafter be prescribed by the trustees thereof hereinafter provided for, who shall report a plan of the same to the county court of said county, who shall have the same recorded; which report, when so recorded, shall be evidence of the boundaries of said town.

When trustees
to be elected.

§ 2. That the provisions of an act, entitled, an act to incorporate the town of Hardinsville, in Shelby county, approved December 18th, 1850, be and the same are hereby made to apply to the town of Woodbury, so far as the same may be applicable, except that the trustees of said town shall be first elected by the legally qualified voters of said town on the first day of April next.

Police judge
and marshal to
be elected.

§ 3. That the provisions of an act, entitled, an act to create the offices of police judge and marshal in the town of Moscow, in Hickman county, approved March 15, 1851, be and the same are hereby, so far as applicable, applied to the said town of Woodbury: *Provided*, that the police judge of the said town of Woodbury shall hold his office for the term of four years.

§ 3. This act shall take effect from and after its passage.

Approved February 18, 1854.

CHAPTER 222.

1854.

AN. ACT to extend the corporate limits of the town of Monticello.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the boundaries of the town of Monticello, in Wayne county, be as follows: Beginning the south east corner of Wm. F. Bohon's yard; thence straight line, crossing the Elk Spring creek, to the old ave-yard, including it; thence to where the Elk Spring lley road crosses said creek; thence with the old road ading to the present residence of Benoni Mills, to its tersection with the present road leading from Monticello said Mills'; thence with said road to its intersection ith the road leading from Monticello to Somerset; thence ith the road leading to Monticello to a cedar tree standing or near the north east corner of the garden belonging the present residence of William M. Worsham; thence straight line so as to include the residence, kitchen, and negro cabins of Henry Huffaker; thence so as to include e residence, kitchen, and negro cabins of James S. Chris-an, H. R. Saufley, William Simpson, and William F. shon, to the beginning; and that the laws and municipal gulations now in force in said town be extended to the oundary herein designated.

Approved February 18, 1854.

CHAPTER 223.

AN ACT to amend an act, entitled, an act to incorporate the Lewis Pottery Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, an act to incorporate the Lewis Pottery Company, for the purpose of manufacturing queensware and china at Louisville, approved December 15th, 1829, be so amended as to reduce the shares of stock in said company to one hundred dollars each.

§ 2. That said company shall have the right to locate said pottery manufactory in the county of Fulton, where the principal part of the lands of said company lie.

§ 3. That the second section of said act be so amended as to read that the capital stock of said company shall not exceed the sum of one hundred thousand dollars.

Approved February 18, 1854.

1854.

CHAPTER 224.

AN ACT to incorporate Pope Lodge No. 69 I. O. O. F. at Lagrange.

Corporate name
and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That* Pope Lodge No. 69, Independent Order of Odd Fellows, of Lagrange, be and they are hereby created a body politic and corporate; and by that name shall be competent to contract and be contracted with, and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts and places whatever; and may have and use a common seal, and alter the same at pleasure; may hold and enjoy real and personal estate not exceeding twenty thousand dollars in value, and sell and convey or otherwise dispose of the same in such manner as the said lodge may by its by-laws or rules designate: *Provided*, such by-laws, orders, or rules shall be not contrary to the constitution and laws of this state or of the United States.

Service of pro-
cess.

§ 2. That service of process upon the noble grand of said lodge shall be sufficient service on said corporation.

May receive
gifts.

§ 3. That said lodge shall have full power to receive contributions, either in money or property, made for the use of said lodge, and may sue for and recover any money that may be due said lodge.

§ 4. The general assembly reserves the right to alter or amend this charter.

Approved February 18, 1854.

CHAPTER 225.

AN ACT for the benefit of the administrators of John Gilbert, deceased, of Clay county.

Time granted:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That* Theophilus T. Garrard and Felix J. Gilbert, administrators of John Gilbert, deceased, late sheriff of Clay county, be and they are hereby allowed the further time of two years, from and after the passage of this act, to collect the taxes, county levies, and fee bills due and uncollected by said Gilbert.

May distrain
for dues, &c.

§ 2. That said Theophilus T. Garrard and Felix J. Gilbert shall have the same power to levy and distrain for any uncollected taxes, fees, fines, dues, &c. in their hands as the personal representatives of said John Gilbert, which said John Gilbert had before his death; and this right shall continue for two years from the time this law takes effect, any law to the contrary notwithstanding: *Provided*, that before any power shall be exercised by them, or any right belong to them, under this act, they shall enter into bond with good security, in the county court of Clay county, in the penalty of two thousand dollars, conditioned as ordinary sheriffs' bonds.

Approved February 18, 1854.

LAWS OF KENTUCKY.

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CHAPTER 226.

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AN ACT to incorporate Cadiz Lodge, No. 121, of Free and Accepted Masons.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Cadiz Lodge, No. 121, of Free and Accepted Masons, in the county of Trigg, be and they are hereby created a body politic and corporate, by the name and style of Cadiz Lodge, No. 121, with perpetual succession; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real and personal estate as may be required for the use and accommodation of said lodge; to receive all necessary conveyances, to sell, convey, and dispose of all such real and personal estate as they may now have or may hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

Corporate name and powers.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to Quintus M. Tyler, John W. Gaines, and William H. Dupuy, master and wardens of said lodge, and their successors in office, as trustees thereof, who, or a majority of them, shall have full power to make all contracts pertaining to the real or personal estate in any respect, either in purchasing, building, renting, selling, or for any other purpose, which shall be binding and obligatory upon said lodge when made in pursuance of the rules, by-laws, and instructions of said lodge; and service of process on any of said trustees shall be sufficient notice to said corporation.

Who to be trustees, their powers.

§ 3. That said lodge may at any time pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this state, as may be necessary for the protection, management, and safe keeping of the property of said lodge.

May pass by-laws, rules, &c.

§ 4. The general assembly reserves the right to alter, amend, or change this act at pleasure.

Approved February 18, 1854.

CHAPTER 227.

AN ACT for the benefit of Allen E. Sams, of Estill county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Allen E. Sams, of Estill county, be and he is hereby authorized to peddle goods, wares, and merchandise in any county in this state, without incurring the penalty now provided by law in such cases.

Approved February 18, 1854.

1854.

CHAPTER 230.

AN ACT to incorporate the Knob City Land Company.

Corporate name
and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Thomas Quigley, John H. Graham, Atwood G. Hobson, and George B. Adams, together with such persons as may associate with them, are hereby created a body politic by the corporate name of the Knob City Land Company, and by that name shall have the right to sue and be sued, to contract and be contracted with.

Made capable
of holding land
and building
thereon.

§ 2. Said corporation shall have the right to purchase and hold lands, not exceeding six thousand acres, and to erect upon the land so purchased such houses, stores, shops, and mills as they may desire, and to use or rent the same; to lay the ground off in lots, and to sell the same; to improve all roads and streets through said lands, or leading from the corporate lands to any public place. The said corporation shall have power to subscribe stock in any turnpike company leading to their grounds.

President of
the company.

§ 3. The affairs of said company shall be managed by a president, who shall be elected by the stockholders for one year or until his successor is elected—the time and manner of the election to be regulated by the by-laws of the company. The president shall have the power and authority to sell the lands, or any portion of them, and his conveyance in his official capacity shall pass the title.

May borrow
money.

§ 4. The said corporation shall have the power to borrow money by and with the consent of all the stockholders: *Provided*, when any of the stockholders are infants their guardians shall be authorized to give such consent.

§ 5. This act shall take effect from its passage.

Approved February 18, 1854.

CHAPTER 232.

AN ACT for the benefit of John W. Tanner.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts be and he is hereby directed to draw his warrant on the treasurer in favor of John W. Tanner, for the sum of eight dollars and eighty cents, mileage for carrying James Daily to the lunatic asylum at Lexington, to be paid out of any money in the treasury not otherwise appropriated.

Approved February 18, 1854.

CHAPTER 234.

1854.

AN ACT authorizing the County Court of Casey to change the precincts and voting places in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Casey county court is hereby authorized to change the voting districts in said county and the places of voting therein, in such manner as may best suit the convenience of the citizens of said county: *Provided,* that the changes be made at least sixty days before an election.

Approved February 18, 1854.

CHAPTER 236.

AN ACT to authorize the County Court of Lawrence to establish one additional justices' district and election precinct therein.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Lawrence be and it is hereby authorized to lay off and establish one additional justices' district and election precinct in said county; and for that purpose may change the lines and places of voting of any other districts in said county; the boundary of said district, and the place of voting therein, shall, when established, be made a matter of record in the county court clerk's office of said county; the changes of any lines, or the places of voting of any other district affected by the establishment of said district, shall also be spread upon the record of said court. Said court shall provide the necessary officers for holding elections in said district: *Provided,* that no election for justices of the peace or constable shall be held in said district until the next general election therefor, at which time two justices of the peace and one constable shall be elected for said district. The jurisdiction of justices of the peace over said district shall remain as at present until the next general election for justices of the peace, and until the justices for said district are qualified. The place of voting in said district shall be at Warfield, in said county.

Approved February 18, 1854.

CHAPTER 237.

AN ACT for the benefit of Taylor & Eidson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Taylor & Eidson, who are the owners of a mill within the limits of the town of Hartford, in Ohio county, be permitted to let their hogs run at large, without being subject to any penalty therefor.

Approved February 18, 1854.

1854.

CHAPTER 238.

AN ACT to establish the 6th Justices' District in Allen county.

Sixth district
established.—And bounda-
ries and places
of voting in
other districts
changed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a sixth justices' district and election precinct in Allen county is hereby established, and the boundary of said district, and the place of voting therein, as well as the boundary and places of voting in the five districts heretofore established in said county, shall hereafter be known and designated by the boundaries and places of voting as set forth in the report of the commissioners, Samuel E. Carpenter, A. S. Walker, E. W. Porter, Jesse S. Godly, Zach. Motley, A. W. Garrison, George W. Dalton, and W. Y. Weatherhead, who were appointed by order of the Allen county court, under the provisions of an act, approved January, 1852, entitled, an act authorizing the county court of Allen to re-district election precincts and establish one additional justices' district and election precinct in said county, which report bears date the 27th day of May, 1852.

Clerk to re-
cord report of
commissioners.

§ 2. The clerk of said Allen county court is hereby directed to record said report in his office, in a book for such purposes used, and the county court for said county is hereby directed to appoint all necessary officers to hold elections in said districts. At the next general election for justices and constables of said county, there shall be two justices of the peace and one constable elected in said district: *Provided*, that any of the lines of justices' districts, or the places of voting as provided by this act, may be changed as now provided by law.

Approved February 18, 1854.

CHAPTER 239.

AN ACT to change the boundary line of Hazel Green District, in Morgan county, and the boundary of districts 4, 1, and 7, in Caldwell county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the boundary line of Hazel Green voting district, in Morgan county, be so altered as to include within its limits the following boundary, to wit: Beginning at Weston Payson's; thence with the county road to the top of the ridge, towards West Liberty; thence including all that lies on the feeding fork of Grassy creek, and to include Sturd McKill, and all that live on James B. Stamper's fork, including all on the waters of the branch that the Longs live on; and thence with the county road to the beginning.

§ 2. That the boundary of district No. 4, in Caldwell county, be so changed as to make the division line between Lyon and Caldwell counties the western boundary of said district, from the Trigg county line to Eddy creek; and

the line from Eddy creek to a point opposite James Jordan's house, in Caldwell county, be the western boundary of district No. 1, in said county of Caldwell, and said line to Livingston creek be the western boundary of district No. 7, in Caldwell county.

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Approved February 18, 1854.

CHAPTER 240.

AN ACT authorizing the sale of land at Lock No. 3, on Licking River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the President of the Board of Internal Improvement, with the advice and consent of the Governor, be and he is hereby authorized and empowered to sell and convey to the purchaser thereof, the land the title whereof is now in the commonwealth of Kentucky, lying at or near Lock No. 3, on Licking river, in Kenton county, upon such terms as may be agreed upon by the parties, and that he pay the proceeds of said sale into the public treasury: *Provided*, that the time, place, and terms of sale shall be advertised at least thirty days before the day of sale, in two newspapers printed in the vicinity.

Approved February 18, 1854.

CHAPTER 242.

AN ACT to change the lines of district No. 4, in Todd county, and the line of districts Nos. 1 and 7, in Union county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the south line of district No. 4, in Todd county, be and the same is hereby so changed as to include the residences of C. A. Bailey, Joseph Harden, B. B. Linck, William Bradshaw, and Mrs. Mary McAllister, and that the west line of said district be so changed as to include the residences of S. E. G. Cole and Daniel T. Hartin, in said district No. 4.

District No. 4
in Todd.

§ 2. That the line between election precincts Nos. 1 and 7, in Union county, be so changed as to include the residence of James Pratt in district No. 1.

Districts Nos.
1 and 7 in Union.

Approved February 18, 1854.

CHAPTER 244.

AN ACT to authorize the Allen county court to sell and appropriate certain vacant lands.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Allen county be and they are hereby vested with the right and power to dispose

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of all vacant lands lying south and opposite to said county, in the territory which lies between Walker's line and the line in latitude thirty-six degrees thirty minutes north, in the state of Tennessee; and the same shall be disposed of as provided in the Revised Statutes, chapter 102, providing for the disposal of vacant lands in this commonwealth, and to appropriate the remaining proceeds of any sales heretofore made by the commissioners appointed to sell said lands.

Approved February 18, 1854.

CHAPTER 245.

AN ACT to authorize the Trustees of the town of Albany to sell certain streets and alleys in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the board of trustees of the town of Albany, a majority concurring therein, upon satisfactory evidence adduced before them, may order the sale (upon such terms as the board may designate) of that part of Randolph alley, in said town, which lies between Cross street and Cedar street; and also that part of Columbia street which lies between its intersection with Water street and the southern boundary of said town. The said board of trustees shall appoint the time and place of sale, and authorize public notice thereof to be given, and shall make all necessary orders in relation to the proceeds of said sale, and its proper application. And upon the payment of the purchase money, said trustees or a majority of them shall convey the same to the purchaser. This act shall take effect from its passage.

Approved February 18, 1854.

CHAPTER 246.

AN ACT to incorporate Swigert Chapter No. 40, of Royal Arch Masons.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the members of Swigert Chapter, No. 40, of Royal Arch Masons, in the county of Trigg, be and they are hereby created a body politic and corporate, by the name and style of "Swigert Chapter, No. 40, of Royal Arch Masons," with perpetual succession; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real and personal estate as may be required for the use and accommodation of said chapter; to receive all necessary conveyances; to sell, convey, and dispose of all such real and personal estate as they may now have or may hereafter acquire: *Provided*, the amount

Corporate name
and powers.

vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

§ 2. That the management of the concerns of said chapter shall be and is hereby confided to C. D. Bradley, H. P., R. K. Tyler, K, and James E. Thompson, S., and their successors in office, as trustees thereof, who, or a majority of whom, shall have full power to make all contracts pertaining to the real and personal estate, in any respect, either in purchasing, building, renting, selling, or for any other purpose, which shall be binding and obligatory upon said chapter, when made in pursuance of the rules, by-laws, and instructions of said chapter; and service of process on any of said trustees shall be sufficient notice to said corporation.

§ 3. That said chapter may at any time pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this state, as may be necessary for the protection, management, and safe keeping of the property of said chapter.

§ The general assembly reserves the right to change, alter, or amend this act at pleasure.

Approved February 18, 1854.

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Trustees, their duties.

May make by-laws, &c.

CHAPTER 247.

AN ACT to incorporate the Mutual Assistance Society of the city of Louisville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Favra Humbert, Constant S. Sueur, Francis Pasquier, A. J. H. Bernal, Ernst Sleichner, Jean Pierre Simon, and J. A. Brisvalder, their associates and successors, shall be and they are hereby constituted a body politic and corporate, to be known by the name and style of the "Societe de Secours Mutuel," or "Mutual Assistance Society," of Louisville; and by that name shall have perpetual succession, and shall have power to make a common seal, and to alter, change, and break the same at pleasure; may contract and be contracted with, sue and be sued, plead and be impleaded in any court in this commonwealth having jurisdiction of like sums; and shall have power to take and hold, for benevolent and charitable purposes, by gift, grant, or devise, any estate, real, personal, or mixed, not exceeding in value twenty thousand dollars; and said society, a majority of its members concurring, shall have power to sell, exchange, and convey said estate, or any part thereof, for the use and benefit of said society.

Corporate name and powers.

§ 2. That the "Mutual Assistance Society" may elect, at such times as they may deem proper, a president, vice president, treasurer, secretary, three directors, and such other officers as they may think fit to appoint or elect, who

Election of officers and directors.

1854.

By-laws to be enacted.

shall enter upon the duties of their respective offices at such time and in such manner as may be prescribed by their constitution and by-laws.

§ 3. That the Mutual Assistance Society shall have power and authority to ordain and establish such constitution, rules, and by-laws for their government, as are not inconsistent with the constitution and laws of this commonwealth, or the ordinances of the city of Louisville, as they may think proper.

Powers of officers.

§ 4. That the president, vice president, and directors of the Mutual Assistance Society, for the time being, and their successors, shall take and hold the estate and funds of the society, and in law shall be considered the corporators; and in all suits against the corporation, service of process upon any two of them shall be good.

§ 5. That the legislature reserves the right to alter, change, or amend this charter.

Approved February 18, 1854.

CHAPTER 248.

AN ACT to incorporate the Maysville Coal Company.

Corporators' names, and corporate powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Henry Waller, John M. Duke, and John P. Dobyns, their associates, successors, and assigns, be and they are hereby constituted a body corporate and politic, by the name and style of the "Maysville Coal Company," in perpetual succession, with power to contract and be contracted with, sue and be sued, in that name, in all courts and places; to have a common seal; to engage in the mining of coal and other minerals, and in the purchase, sale, and transportation thereof; and they are hereby vested with all powers needful for the successful prosecution of their business aforesaid. The said corporators shall have power to organize, at any time, said company by the appointment of a president and such other officers and agents as they may deem necessary. And when organized, the said corporators, or the officers then chosen, shall have power to make such by-laws, rules, and regulations as may be deemed necessary from time to time for the prosecution of the business, and the government and management of said company, not inconsistent with the constitution and laws of this state and of the United States.

May organize at any time, and how.

Capital stock.

§ 2. The capital stock of said company shall be one hundred thousand dollars, with power to increase the same to three hundred thousand dollars.

May receive real estate in payment of stock.

§ 3. The said company may receive real estate in payment of such part of the subscription as they may deem advisable; and shall have the right, by purchase or otherwise, to hold such real estate, mining rights, and rights of

way, as may be thought proper by them for the successful prosecution of their business; and the same or any part thereof to sell or otherwise dispose of as the interests of the company may require. They may also build and own roads or boats for the carrying on their business; and may dispose of their property or any portion of it by sale or otherwise.

1854.

May purchase right of way and hold estate.

§ 4. The said company may at any time borrow or obtain on loan such sums of money as may be deemed expedient, and to pledge or mortgage any or all of the estate, property, privileges, and assets of the said company for the security of such loans.

May borrow money & pledge property.

§ 5. The said company shall have, possess, and enjoy all the powers, rights, privileges, and immunities heretofore conferred by law in this state, upon any other company chartered for similar purposes: *Provided*, this act shall not be so construed as to infringe any of the rights or privileges of any other incorporated coal company in this state.

May exercise like powers as other corporations.

Approved February 18, 1854.

CHAPTER 249.

AN ACT to incorporate the Ohio and Tradewater Coal Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That George Trapnall, William V. Trapnall, Benj. C. Trapnall, and Philip Trapnall, their associates, successors, and assigns, be and they are hereby constituted a body corporate and politic, by the name, style and title of the Ohio and Tradewater Coal Company, for the term of one hundred years; with power to contract and be contracted with, sue and be sued, in that name, in all courts and places; to have a common seal; to engage in the mining of coal, iron, salt, and other minerals, and in the manufacture and sale of salt, iron, lime, and other products of land now owned or hereafter to be owned by them; and in the transportation of the same, or any of them, to home and foreign markets; to hold their meetings within and without the state of Kentucky, and to have all powers needful for the successful prosecution of their business, and for the execution of the powers herein granted.

Corporators' names, and corporate powers.

§ 2. That said George Trapnall, William V. Trapnall, Benj. C. Trapnall, and Philip Trapnall, shall have power to organize said company by the appointment of a president and such other officers and managers as they may deem necessary, at such time as they may designate, by notice previously given; and when thus organized, they and their successors shall have power to make such by-laws, rules, and regulations as they may deem necessary

May appoint officers and agents.

Make by-laws.

1854.

Vacancies, how filled.

By-laws to be enacted.

Other officers to be appointed.

Stock books may be re-opened.

When stock calls to be paid.

no contract shall be binding upon the company, unless it is entered upon the record of the proceedings of the president and directors, and approved or sanctioned by a majority of said directors; and the record of such proceedings shall show that a majority of said directors was present at the meeting at which any such contract was approved or sanctioned. Should any director, or the president, die, resign, refuse to act, or cease to be a stockholder, or citizen of Louisville, or fail to attend the meetings of the board of directors for four consecutive meetings thereof, or fail or refuse to attend four consecutive meetings of the board when notified to attend such meetings, the board of directors, or other members of said board, may proceed to declare a vacancy in the office of president or directors, as the case may be, and to fill the vacancy. The first board of president and directors shall adopt and pass all proper and needful by-laws for the government and well being of said company's affairs, which may from time to time be changed, modified, altered, or abolished, and a new code made and adopted. The president and four directors, or five directors without the president, shall constitute a quorum for the transaction of any business of said company, within the jurisdiction of the board of directors. In the absence of the president at any meetings of the board of directors, a chairman for the time being may be elected to preside, and shall discharge the duties of the president; and should the president be absent from the city, or from any cause unable to act, the board of directors may appoint a president *pro tempore* to discharge the duties of the president during the time the inability or absence exists. The president and directors may employ, provide, and appoint agents, servants, or other persons to manage, superintend, attend to, and take charge of the affairs, business, and property of said company; appoint a secretary and treasurer, and require bond and good security from any and all agents, servants, secretary, and treasurer, in such conditions and sums as said president and directors may deem proper.

§ 3. The president and directors may, from time to time, cause said subscription books to be re-opened, or may procure additional subscriptions, until the whole capital stock is taken, if it should not be taken before the said Curd, Ronald, and Musselman; and in case the whole amount of stock shall not be subscribed when the books are opened, or said subscription should be closed before the said one hundred thousand dollars are subscribed, the said company may be organized, as hereinbefore provided, if twenty-five thousand dollars of said stock shall be subscribed by solvent persons. The president and directors shall from time to time make calls upon said stock subscriptions, not exceeding twenty per cent. on the amount of each share, and not oftener than sixty days apart, from the time

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of making said calls, until the whole amount subscribed shall be paid. The president and directors shall cause to be made out and exhibit at each annual meeting of the stockholders, a true statement of the condition of the financial affairs of said company, the amount of receipts and disbursements, and sources of receipt and expenditures; and shall, when the business of the company shall authorize it, declare a dividend to the stockholders, and cause the same to be paid over to those entitled thereto. The president and directors shall cause a list of the names of the stockholders to be kept in a book to be provided for that purpose, and shall cause stock certificates to be issued to each stockholder, which may be transferred on said company's books, on the surrender of the stock certificate and the issuing of a new certificate to the party entitled thereto by such transfer. The stock certificates shall be signed by the president and countersigned by the secretary; and no stock certificate shall issue until the share or shares subscribed by the party shall be paid. Each share shall entitle the holder thereof to one vote at the annual or other meetings of the stockholders.

§ 4. That the said president and directors may rent or lease, for any term of one or more years, from time to time, said warehouse and premises, upon such terms and for such rent or compensation as they shall by contract agree upon; and said company shall not be liable in any action for the acts and conduct of the lessee or lessees, their agents, servants, or employees, in the control or management of said premises.

Company may
lease out their
warehouse.

§ 5. That the president and directors may receive in payment of stock subscriptions, indorsed notes, or otherwise, secured by real or personal security, and may renew such notes if they see fit to do so. They may declare any subscription stock forfeited for the non-payment of the amount due thereon, if the same shall not be paid within thirty days from the service of notice that unless the amount due and demandable on such stock shall be paid within thirty days from the date of the service of the notice the same will be forfeited; and if any delinquent stockholder shall be a non-resident, the publication of such notice in two of the daily papers printed in Louisville, for twenty days, shall be a sufficient notice. Should any forfeiture occur it may be remitted by a vote of a majority of the stockholders, at an annual meeting, upon payment of all arrearages of principal and interest then due upon the installments which have, up to the time of such remission, been called on the stock, and payment of a due proportion of losses which may have attached to the interest of such defaulting stockholder up to the time.

How calls may
be paid.

Forfeited stock.

§ 6. That no transfer of stock shall be deemed valid or complete as long as the person transferring the same shall be indebted to the company, or liable for losses, until such

Transfer of
stock.

1854.

indebtedness and liabilities are paid or secured to the satisfaction of the president and directors; and all assignees of stock shall take and hold the same with all the liabilities which have accrued or may be attached to said stock for or on account of the original owner or owners. The president and directors may in the by-laws make rules and regulations for the transfer of stock certificates, but such rules and regulations shall not be contrary to this section.

Stockholders
not individually
liable for debts
of company.

§ 7. That no stockholder shall be answerable in his person or individual property for any contract, debt, or agreement of said president and directors or said company, nor for losses or failure of the capital stock of said company; but the whole of said capital stock of said company, together with all the property, rights, and credits thereto belonging, shall at all times be answerable for all lawful demands against said company.

General meet-
ing may be call-
ed.

§ 8. That in case of the failure from any cause of the election of president and directors, or the annual meeting of the stockholders, the company shall not be dissolved, but the meeting of the stockholders, and the election of president and directors may be held at another time, to be designated by the president and directors, and notice thereof given by advertisement in two of the daily papers printed in Louisville for ten days before the day of the meeting and election.

§ 9. The general assembly reserves the right to repeal or amend this charter at any time and at pleasure.

Approved February 18, 1854.

CHAPTER 251.

AN ACT to incorporate the Louisville Coal Company.

Capital.

Corporate name
and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be and is hereby established at Louisville, in the county of Jefferson, a company to be known and styled the Louisville Coal Company, with a capital of two hundred thousand dollars, to be divided into shares of twenty-five dollars each, to be subscribed and paid for in the manner hereinafter specified; which subscribers and stockholders shall be and are hereby created a body politic and corporate, by the name and style of the Louisville Coal Company, to take effect from the time of the passage of this act, and continue until the first day of January in the year nineteen hundred; and under that name and style said company shall be competent to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts and places, and in all matters whatever, with full power to themselves and their successors to acquire, hold, possess, and enjoy such lands, rents,

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tenements, and hereditaments, goods, chattels, property, and effects as may be proper for conducting the business of dealing in coal; and for making all such other improvements in said city of Louisville and county of Jefferson as may be necessary for properly conducting said business; and also to sell, alien, demise, and convey, lease, mortgage, and pledge any real or personal property and effects of said company, in such manner as may be necessary for the transacting and facilitating the business of said company: may have and use a common seal, alter, amend, break, and renew the same at pleasure. Said company shall have power to establish and execute such by-laws, rules, and regulations as may be necessary and proper for the prudent and efficient management of the business of the company, and for the government of its officers: *Provided*, the same be not inconsistent with the spirit of this act, or contrary to law.

§ 2. That the real and personal estate, business, property, funds, and prudential concerns of said company shall be under the control, direction, and management of a president and eight directors; and after the first election to be made as hereinafter specified, the stockholders shall hold a general meeting on the first Monday in April annually, at such time and place, and under such rules and regulations as shall be specified in the by-laws of said company, at which meeting the said officers shall be elected in such manner as is prescribed in the by-laws of said company, for the term of one year, and until their successors are elected as aforesaid.

Directors, when elected.

§ 3. That at every election held by a meeting of the stockholders under the provisions of this act, every stockholder shall be entitled to one vote for each share of stock he or she may own; and any stockholder not personally present may vote by written proxy to a stockholder present at such meeting or election: *Provided*, that if no election shall be made for president and directors on the day named in this act, the corporation shall not thereby be dissolved, but said stockholders may elect a president and directors on any other day, in such manner as may be specified in the by-laws of said company; and in case of the death, resignation, or permanent absence of one of said officers, his place shall be filled by a stockholder, to be elected by a majority of the remaining members of the board.

Each share to have a vote.

§ 4. That the president and directors, or a majority of them, shall have power to appoint such agents, officers, and servants under them as they may think proper, fix their compensation, define their powers, and prescribe their duties, and remove them at pleasure.

Other officers to be appointed.

§ 5. That E. D. Weatherford, Louis Rheims, Jabez Baldwin, Jas. W. Osborn, H. H. Sale, James Lithgow, Lighter Huffman, The. Shanks, Wm. Watkins, Jacob Kalfus, J. O. Cochran, B. J. Adams, A. Throckmorton, Birch Mussel-

Commissioners named.

1854.

Books to be
opened.

man, N. L. Montgomery, George Ainslie, Paul Rillien, J. D. Hobbs, and Isaac Everett are hereby appointed commissioners to open books and receive subscriptions to the capital stock of said company, and to superintend the election of the first board of directors, which shall consist of a president and eight directors, who shall hold their offices for one year, and until their successors are elected as herein provided.

§ 6. That any five of the commissioners named in the preceding section shall be competent to exercise the powers and perform the duties required of them by this act; and they are hereby authorized, at any time after the passage of this act, by giving ten days' notice thereof, in two or more papers printed in the city of Louisville, to open books for the subscription of capital stock, at Louisville and such other places as they may deem proper, and to keep such books open from day to day, or close them at one time and open them at another, as shall be most conducive to the procuring of said subscriptions; and when two thousand shares are subscribed, the said commissioners shall notify the stockholders of the amount subscribed, and of the time and place appointed for the election of a president and eight directors of said company, upon ten days notice as above specified; and said commissioners, or any three of them, may proceed to hold said election, and act as judges thereof.

Stock, how to
be paid.

Delinquent
stock, how for-
feited.

§ 7. That upon every share of stock subscribed in said company, the commissioners or their agent shall require to be paid, at the time of subscribing, or before the election of a president and directors, the sum of five dollars, and the residue of such subscriptions shall be paid in equal installments of five dollars on the share—but there shall intervene at least ninety days between the payment of said installments; and if any stockholder shall fail to pay to the president and directors of said company any installment required to be paid, for thirty days after he shall have had personal notice in writing of such requisition, the said president and directors may, upon ten days notice to such delinquent stockholder of the time and place of sale, proceed to sell such share or shares belonging to such delinquent, at public sale, to the highest bidder, who, upon presentation of his certificate of purchase, shall be entitled to a transfer of the share or shares so purchased by him, upon the books of said company; and the proceeds of such sale shall be applied towards the payment of the balance of the subscription price of the share or shares so sold; and should there be a surplus after such payment, the same shall be paid over to the delinquent; but if there should still remain due and unpaid a balance on the subscription for the shares so sold, then the company may sue for and recover the amount thereof from such delinquent.

§ 8. The stock of said company shall be assignable only on the books of the company, and shall be considered as personal property; and no delinquent stockholder shall have the right to transfer any share of stock which is not fully paid for, nor vote at any meeting of the company on any share on which he may be delinquent; and for all debts due by a stockholder to the company, there shall be a lien retained upon his or her stock for the payment of the same.

1854.
Stock, how
transferred.

§ 9. That no stockholder, after the first election of officers, shall vote at any election for officers of said company upon any share of stock which shall not have been transferred on the books of the company, at least sixty days previous to such election.

§ 10. That the president and directors of said company shall from time to time make dividends arising from the profits of the company, as they may think proper, and pay the same over to the stockholders.

Dividends.

§ 11. No shareholder in said company shall hold more than two hundred shares of the capital stock thereof; and if at any time a stockholder shall hold more than two hundred shares of said capital stock, then all the excess of said stock so held by him over two hundred shares shall be forfeited to the company.

None to hold
over 200 shares.

Approved February 18, 1854.

CHAPTER 252.

AN ACT incorporating the Clay Monument Association.

WHEREAS, immediately upon the receipt of the intelligence in the city of Lexington of the death of Henry Clay, a public meeting was held, at which the following, among other resolutions, was adopted: "*Resolved*, that a national monument, of colossal proportions, befitting a name stereotyped on his country's heart, should be erected in the Lexington cemetery to mark the spot where his body will repose, and commemorate the virtuous deeds of his long and glorious life;" and whereas, at a meeting of the committee on the 14th July, 1852, for the purpose of devising means to carry said resolution into effect, a plan of organization was adopted, and, as part thereof, an executive committee, consisting of a chairman and four members, was required to be appointed, whose especial duty it shall be to raise money and means towards building the monument aforesaid; and Henry T. Duncan, chairman, H. B. Hill, Jas. O. Harrison, Henry Bell, and Benj. Gratz were appointed that committee; and whereas large sums of money have been contributed for that purpose, and it is believed that difficulties will arise in regard to the management and application thereof, unless the said contributors be incorporated. Therefore,

Preamble.

1854.

Corporators,
and name and
style.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the several persons who have contributed money or means, or who may hereafter contribute to the erection of the monument aforesaid, be and they are hereby created a body politic and corporate, by the name of "The Clay Monument Association;" and by that name may contract and be contracted with; sue and be sued, plead and be impleaded, defend and be defended in any court of law or equity, and be capable of holding real and personal estate for the purpose of erecting a monument as aforesaid.

Officers to be
appointed.

May make
rules, &c. for
government.

Means may be
vested.

§ 2. There shall be a directory for said association, to consist of a president and four directors, who shall have the sole control and management of the prudential, fiscal, and other concerns of the association, and for that purpose may make any rules or by-laws for the government of its affairs, not inconsistent with the constitution or laws of this commonwealth; they may adopt a corporate seal; receive and sue in the name of the association, either at law or in equity, for any moneys or property which have been or may be hereafter subscribed for the purposes of the association, and may, from time to time, securely invest the means of the corporation, so as to make them profitable, until they shall amount to one hundred thousand dollars, or such less sum as may in their opinion be sufficient to erect the said monument. They shall, at least four months before they commence the erection of said monument, cause a plan of the same to be prepared, and submit the same to the subscribers at a general meeting, for their approval; and they shall also appoint a secretary and treasurer and any other persons necessary, to aid in conducting the affairs of the association and the erection of said monument.

Record of pro-
ceedings to be
kept.

§ 3. It shall be the duty of the secretary to attend the sittings of the board of directors, and truly record in a book to be kept for that purpose, all its acts—and he shall also attend and record the proceedings of each general meeting of the association. He shall likewise record the names and place of residence of each subscriber, together with the amount of his or her subscription, and perform such other duties as may be required of him by the board of directors. The books and records of the association shall be kept in its office, and be at all times open to the inspection of any subscriber.

Treasurer to
give bond, and
condition.

§ 4. It shall be the duty of the treasurer to keep safely the money and other means of the association, and to pay out the same on the order of the board. Before entering upon the duties of his office, he shall execute bond to the association, with surety to be approved by the board of directors, and in such penalty as they may fix, conditioned for the faithful discharge of the duties of his office, and the payment and delivery to the board of direc-

tors, when required by them, of all money, property, or other thing of the association which may come to his hands, and which shall not have been paid out or parted with by order of the board.

1854.

§ 5. The president, and any two of the directors, or, in the absence of the president, any three of the directors may exercise any or all of the powers hereby conferred on the board.

Who may exercise powers.

§ 6. The aforesaid executive committee shall constitute the board of directors of this association, and shall continue in office until their successors shall be elected as hereinafter provided; they shall elect a president from their own body, and may fill vacancies in the board from the members of the association.

Executive committee to be directors.

§ 7. A general meeting of the association may be convened in the city of Lexington at any time by the president or an order of the board, or by any number of subscribers whose contributions in the aggregate have amounted to five thousand dollars, upon giving prior notice for four weeks of the time and place of such meeting, by successive weekly advertisements in one of the newspapers published in the city of Lexington; and at any such general meeting, the contributors shall have the right to displace all or any of the board of directors and elect others in the place of those removed, who shall remain in office until removed in like manner. In all elections of officers, or the transaction of any business at a general meeting, all subscribers whose contributions have been as much as fifty or not less than ten dollars, shall be entitled to one vote, and every contributor of a sum exceeding fifty dollars shall be entitled to one vote for each fifty dollars additional. All contributors entitled to vote may do so either in person or by proxy, and it shall require a majority of all the votes cast to carry any measure.

Meetings may be called.

Directors may be changed.

Who entitled to vote in elections.

Approved February 22, 1854.

CHAPTER 254.

AN ACT to authorize the establishment of an additional Magistrates' District in Logan county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Logan county, a majority of the justices of the peace, in conjunction with the presiding judge of said court, concurring, are hereby authorized and empowered to create a new magistrates' district in said county, upon the petition of a majority of the qualified voters, being within the proposed district, and making the town of Volney the place of voting in such district.

§ 2. That said court shall have power to fix the boundary line between such district and the Ash Spring district, by abolishing the present Ash Spring district, and making

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to time deem to their interest or advantage; to sue and be sued, plead be pleaded, defend be defended, answer and be answered, as natural persons in all the courts of this commonwealth; to have and use a common seal, change, alter, or renew the same at pleasure; to ordain and put in execution all such by-laws, rules, and regulations as shall seem necessary for the government and carrying out the objects of this corporation: *Provided*, they be not contrary to the constitution and laws of this state or of the United States.

First directors.

§ 2. That Samuel McAdams, George W. Williams, Charles C. Hawley, George R. Ghiselin, E. S. Beckham, William Sterett, Wm. Adams, Dr. G. Sterett, Wm. F. Hawes, and M. L. Cooper, or such of them as shall see proper to act, shall be the first directors of the said corporation, and shall elect one of their own body president. The president and directors shall appoint a secretary, and keep a fair record of their proceedings. They shall also appoint a treasurer and such other agents and officers as they may require, and may take bond with security from all officers or agents, and may remove or discontinue them at pleasure. And the president and directors shall manage and control the fiscal and prudential concerns of said company in all things.

To appoint other officers.

Stock subscriptions to be made.

§ 3. The president and directors may proceed to procure subscriptions of stock in said corporation, at such times and places, and payable in such sums and at such periods, as they may deem best; and any one failing to pay his subscription as required of him or them may be sued and compelled to pay.

Of forfeited stock.

§ 4. The president and directors shall have the right to declare when a stockholder has forfeited stock and the payments made; but no such forfeiture shall be made by them, without the service of a notice on the delinquent stockholder at least twenty days before the record of such failure shall be made on the books of the corporation; and such forfeiture shall not release said stockholders from the sum yet remaining unpaid.

Stock certificates to be issued.

§ 5. The stock shall be personal estate, for which, when the respective shares subscribed is fully paid, the president and directors shall issue to each subscriber as many certificates of stock as they are entitled to, numbering them, under the signature of the president and seal of the corporation, attested by at least one director. The said certificates of stock shall be transferable by assignment of holder or personal representative of deceased holder, or in such manner as the corporation may prescribe by the by-laws.

By-laws to be enacted.

§ 6. The stockholders shall have a right to make such by-laws, rules, and regulations for the government of the corporation, and the election of the president and directors, as they may deem expedient; also to fix the term of ser-

1854.

vice and number of directors, and the time and place of holding elections for president and directors, and who shall be eligible as such; and also the time and place of calling and holding general meetings of the stockholders; but none of the by-laws, rules, and regulations shall be contrary to the constitution of this state or of the United States.

§ 7. The corporation shall hold only such real estate as may be necessary to carry into effect the objects for which it is created, and such as may pass to them in good faith, in payment or security of debt.

§ 8. As soon as the sum decided upon by the president and directors shall have been subscribed, the president and directors shall give notice to the stockholders, and call them together, to meet at such time and place in the town of Hawesville as to said president and directors may seem proper; and at such meeting the stockholders may take such steps as they may think proper and necessary to carry into effective operation the objects of this charter.

Proceedings after organization.

§ 9. Said corporation shall exercise no banking privileges whatever, nor do any act which is inconsistent with the true meaning and intent hereof; and for any violation of the provisions of this act, the privileges herein granted shall be forfeited by the judgment of the Hancock circuit court, upon the petition of any one, setting forth and alleging the acts of violation relied on, and proceedings instituted thereon in the name of the commonwealth; and if the said court should at any time render a judgment of forfeiture, it shall adjudge and cause to be made a sale of all the effects, real and personal, belonging to said corporation, and the proceeds thereof equitably divided among the stockholders.

Restrictions.

Approved February 24, 1854.

CHAPTER 260.

AN ACT to incorporate the South Licking Bridge Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Richard Stowers, J. B. A. Risk, R. S. Fugate, J. Callen, and John Myers, with their associates, be and they are hereby made a body corporate and politic, by the name and style of the South Licking Bridge Company, for the purpose of erecting a bridge across South Licking River near Callensville, in the county of Pendleton; and they and their associates and successors shall continue and have perpetual succession; and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, sue and be sued, plead and be impleaded in all courts of law and equity in this commonwealth, and have and possess all

Corporate name and powers.

1854.

Capital stock.

powers necessary to carry into effect the objects of this act; the capital stock shall be six thousand dollars, divided into shares of twenty-five dollars each; the capital stock may be increased by the president and directors to such amount as may be necessary to construct said bridge, which stock may be subscribed for at such times and places as any of said commissioners may think proper; and they are authorized to open books for the subscription of stock from time to time as they may deem proper, until the whole of the stock shall be subscribed.

Directors, to be elected.

§ 2. That so soon as the sum of two thousand dollars is subscribed, they shall give public notice, set up in writing at three public places in the county of Pendleton, for at least thirty days, calling a meeting of the stockholders, at Callensville, at such time as they may appoint, for the election of a president and four directors, to serve for one year and until their successors be elected; and after the first election all the powers and privileges hereby granted shall vest in a president and directors of said company, and their successors in office.

§ 3. That the president and directors shall have power to make calls on the stockholders for such proportion of the stock so subscribed, and collect it as they may from time to time think proper; and they may let out to the undertaker or contractor the building and construction of said bridge; and shall have and possess full powers to make contracts with any person or persons for stone, timber, or materials of any kind necessary to be used in its construction, and to receive by gift or purchase any conveyance of land for abutments, toll-house, and roads to said bridge.

§ 4. That upon the completion of said bridge, the president and directors may appoint a toll collector at such prices as may be agreed on; to demand and receive from all persons passing over said bridge, such rates of toll as the president and directors may think proper: *Provided*, that the rates of toll shall not be greater than those charged by the Falmouth Bridge Company; *And provided further*, that said company shall so erect said bridge as not to interfere with the downward navigation of said stream.

§ 5. That the president and directors shall cause a dividend of the net profits arising from the tolls of said bridge to be made annually among the stockholders.

§ 6. The president and directors are hereby vested with full power and authority to have a sufficient quantity of land for the abutments, toll house, roads, &c. to said bridge, on either or both sides of the river, condemned for public use; and for that purpose shall proceed in like manner as provided by law for condemning private property for public use under the road laws: *Provided*, the jury shall take into consideration the advantages and disadvantages resulting to the owner of such land as shall be so condemned for the use of said company.

§ 7. That the president and directors shall have power to make by-laws to regulate the crossing of said bridge and for the care and preservation of the same, and to fine persons violating such by-laws, which shall be collected by any constable of Pendleton county as other debts, and applied to the use of said company.

Approved February 24, 1854.

1854.

CHAPTER 261.

AN ACT to incorporate the Danville, Dick's River and Lancaster Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name and style of the Danville, Dick's River, and Lancaster Turnpike Road Company, for the purpose of making and forming an artificial road.

Company formed.

§ 2. That the capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of the capital stock is not sufficient to accomplish the object of this act, then the president and directors may enlarge it to such an amount as they may deem necessary, and open subscriptions therefor in such manner as they may think proper, provided it does not exceed fifty thousand dollars.

Capital stock.

§ 3. That books for the subscription of stock in said company shall be opened on the first Saturday in April next, or as soon thereafter as practicable, at the town of Danville, Boyle county, under the direction of Henry Bruce, Samuel O. Baughman, Henry Baughman, Samuel W. Miller, Alamander Hutchings, John Pope, W. E. Gentry, James Harlan, John Kincaid, Reuben Gentry, Madison Kemper, and John Miller; and at Lancaster, Garrard county, under the direction of A. G. Herndon, Walter C. Bailey, Nicholas Sandifer, Ananias Irvine, Benjamin F. Duncan, Samuel Lusk, Nelson Alsbaugh, Harrison Miller, and Henry Barlow, or some two or more of them at each place, who are hereby appointed commissioners. The said commissioners at each place shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books: "We, whose names are hereunto subscribed, promise to pay to the president, directors, and company of the Danville, Dick's River, and Lancaster Turnpike Road Company, the sum of fifty dollars for each share of stock subscribed by us in said company, and agreeably to an act of the general assembly incorporating said company. Witness our hands this — day of —, 1854." The said commissioners, or a majority of them, shall give notice in a newspaper published in Danville or Lancaster of

Names of commissioners.

Covenant.

1854.

When company to organise.

Directors.

Other officers, and their duties.

Corporate name and powers.

the time and place of opening the books for the subscription of stock in said company, and that they will continue open until the amount of the capital stock shall be subscribed.

§ 4. That as soon as ten thousand dollars shall be subscribed, the said commissioners, or such of them as may act, shall at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a president and six directors, who shall hold their office for one year, and until others shall be elected and duly qualified. The said president and directors shall, before they enter upon the duties of their office, take an oath before some justice of the peace that they will faithfully perform the duties of president and directors, as the case may be, without favor or affection, and according to the best of their judgment. Upon the qualification of the president and directors they shall appoint a treasurer and such other officers as they may deem necessary, who shall hold their offices for one year and until others shall be appointed. The treasurer shall, before he enters on the duties of his office, give bond, with one or more good securities, in such penalty as the president and directors may determine, payable to the president and directors of said company, conditioned that he will faithfully discharge the duties of treasurer, and that he will, when called on, pay the amount of money in his hands to the order of the president and directors, and that he will perform the duties required of him by the by-laws of said company.

§ 5. That upon the election and qualification of the president and directors as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name and style of the Danville, Dick's River, and Lancaster Turnpike Road Company, and by the said name the said company shall have perpetual succession, and all the privileges and franchises incident to like corporations, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof; and of purchasing, taking, and holding to them and their successors and assigns, and of selling, transferring, and conveying in fee simple, all such lands, tenements, and hereditaments, and real and personal estate, or as much as may be necessary for them in the prosecution of their work; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record or any other place whatever; also to have a common seal, and to do all and every matter and thing which like corporations may lawfully do.

§ 6. That the number of votes to which each stockholder may be entitled, shall be according to the number of shares he shall hold; and after the first election no share or shares shall confer a right of voting which shall not have been holden three months previous to the election. The

stockholders may vote in person or by proxy in writing; and no person who is not a resident of Boyle or Garrard counties, and a stockholder, shall be eligible as president, director, or treasurer; and the president and directors shall cease to be such on his or their ceasing to be a stockholder. The annual election for a president and directors shall be annually held on the first Saturday in May, at such place as may be directed, at which time the president shall lay before the stockholders an expose of the assets of said company; also the record of their proceedings for the preceding year. The company shall have power to fix the days and places of their annual meetings and general elections, and pass all by-laws necessary for the regulation of their proceedings and interests.

Annual elections.

§ 7. That the president and directors first chosen as aforesaid, shall deliver a certificate, signed by the president and countersigned by the treasurer, to each stockholder, for the stock subscribed by him, which certificate or certificates shall be transferable on the books of said corporation, in person or by attorney; but no share shall be transferred until all the calls and arrearages thereon are paid. The original certificate of the share or shares transferred shall be surrendered, and a new certificate shall issue to the purchaser, who shall then be a member of said corporation, and entitled to all the privileges and benefits that the original owner was entitled to.

Stock certificates.

§ 8. That the president may call meetings of the directors at such times and places as he may deem proper; a majority of all the directors shall constitute a quorum to do business; they shall keep a record at each meeting of their proceedings in a book provided for that purpose. The board of directors may also allow the president and treasurer such compensation as they may deem reasonable.

Meetings of directors.

§ 9. That the president and directors shall have power to fill all vacancies that may occur in said board, and appoint all such superintendents, engineers, surveyors, artists, officers, &c. as they shall deem necessary to carry on the work; to fix their salaries and wages; to remove any of them at pleasure; to provide the time, manner and proportions in which the stockholders shall make payments on their respective shares; to carry on said work; to draw orders on the treasurer for all moneys necessary therefor, and to do all such matters and things as by this charter and the by-laws of this corporation they are authorized to do.

Powers of trustees.

§ 10. That the president shall give notice in a newspaper published in Danville or Lancaster, for at least twenty days, of the amount of the call on each share of the stock and of the time of payment; if any stockholder shall neglect or refuse to pay his proportion of the stock, for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall, in addi-

How stock to be paid.

1854.Unpaid stock
to be forfeited.

tion to the installment called for, pay at the rate of six per cent. per annum for delay of payment; and if he shall fail to pay such call and the penalty for the space of six months after the time of payment is required, he shall forfeit such share or shares to the corporation, and the amount that shall have been paid thereon, and the president, by order of the directors, after having given ten days notice, may proceed to sell such forfeited shares: *Provided*, they will bring the amount due and unpaid upon said share or shares: *And provided also*, that no shareholder shall vote at any election, or be entitled to the rights of a member of said corporation, until the whole amount due and payable as aforesaid on the share or shares by him held, shall have been paid agreeably to the requisitions of the president and directors.

Description of
road. ———

§ 11. That the said road shall be so levelled and graded that when completed its graded elevation shall not exceed four degrees; the width of the artificial part of said road shall not be more than forty five, and the portion of it covered with metal, gravel, or macadamized stone shall not exceed eighteen feet, and be fully nine inches in thickness or depth from side to side of that width.

Further powers
of directors.

§ 12. That it shall be the duty of the president and directors to fix the route over which said road may run, and for that purpose to employ all necessary engineers, surveyors, artists, &c. at the cost of the company; and they are hereby authorized to enter in and upon the land and inclosures, public roads and highways in, through, and over which said intended road may be thought proper to pass, and to examine and survey the ground therefor, to examine for quarries, beds of stone, banks of gravel, and other material necessary for the completion and repairs of said road, and having due regard to economy, they shall locate said road as follows: beginning at the toll gate on the Stanford road near Danville; thence along the old road, by the most practicable route, to the town of Lancaster.

§ 13. That sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, and thirty-five of an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, approved March, 1844, be and the same are hereby incorporated as part of this charter.

How and when
toll gates may
be erected.

§ 14. That so soon as five miles of said road shall be completed, the justices of the peace in the county in which five miles, or the major part thereof lies, who are not interested in the stock of said company, shall be called on to examine the work, and if they shall certify that the work has been done in conformity with the provisions of this act, the certificate shall be recorded in the office of the

1854.

county court of said county, and the president and directors may cause a toll gate to be erected across said road, and may collect the tolls and duties hereinafter granted to said company, from all persons traveling thereon with horses, cattle, carriages, &c. In case said disinterested justices cannot be found, the president and directors may give notice thereof to the county court of said county, in which case the court shall appoint three fit persons, whose duty it shall be to inspect said road, or so much thereof as shall be completed, and if it shall be their opinion that said road or any five miles thereof continuously, is completed according to the provisions of this act, this report shall be recorded in said county court, and the judge thereof shall enter of record how many gates may be erected, whereupon it shall be lawful for said company to erect a gate for every five miles so completed, and at such places as to them may seem most eligible.

§ 15. That when said gate or gates shall be erected as aforesaid, it shall and may be lawful for the president and directors aforesaid to appoint as many toll-gatherers as they may deem requisite, and to collect and receive for tolls not exceeding the rates allowed by the general laws of this commonwealth for other like roads. The president and directors shall cause printed lists of the rates of toll which they may lawfully demand to be affixed at each toll gate on the road.

Rates of toll.

Approved February 24, 1854.

CHAPTER 262.

AN ACT, to incorporate Olivet Chapter, at Lafayette, in Christian county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the present officers and members of Mount Olivet Chapter, No. 24, at Lafayette, in Christian county, free masons, and their successors, be and they are hereby created a body politic and corporate, by the name and style of Mount Olivet Chapter, No. 24, and by that name shall have perpetual succession, and be capable to receive and hold by gift, grant, purchase, or devise, any description of real estate, not to exceed in amount at any one time, the sum of five thousand dollars; and also such personal estate as may be requisite for the use and benefit of said corporation; and to sell, exchange, and convey the same at pleasure; to sue and be sued, plead and be impleaded, defend and be defended in any court of law or equity in this state; and may have and use a common seal, and the same to alter and renew at pleasure.

Corporators
and corporate
powers.

§ 2. That the present officers of said chapter, are hereby appointed trustees of the same, who shall hold their offices until the next annual election for the same, and

Trustees ap-
pointed and
term of office.

1854.

until their successors are duly elected and qualified; and thereafter the officers annually elected shall constitute said board of trustees; and service of process upon any such trustees shall be held sufficient notice upon said corporation.

Property vested. § 3. That all real and personal estate now belonging to said chapter shall as fully and completely vest in the trustees of the same as if acquired after the passage of this act. And the legislature hereby reserves the right to repeal or modify this act at pleasure.

Approved February 24, 1854.

CHAPTER 284.

AN ACT to incorporate Bourbon Lodge I. O. O. F., No. 23.

Corporate name and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Mitchell, George W. Williams, Ferdinand E. Peck, and William W. Mitchell, officers of Bourbon Lodge No. 23, Independent Order of Odd Fellows, and their successors in office, of the town of Paris, county of Bourbon, be and they are hereby created a body politic and corporate, by the name and style of Bourbon Lodge Independent Order of Odd Fellows, No. 23, and by that name are hereby vested with power and authority to acquire, hold, use, and enjoy real and personal estate to the amount of twenty thousand dollars, and to sell, convey or otherwise dispose of the same, under such rules, regulations, and by-laws as may be by them adopted, not contrary to the constitution and laws of this state or of the United States; and said corporation, by its name aforesaid, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts and places; and may have and use a common seal, and alter and change the same at pleasure.

Stock may be taken to erect building.

§ 2. That said corporators may, in the town of Paris, on such days as they shall appoint, open and keep open books for the subscription of stock, in shares of twenty-five dollars each, until stock to the amount of not less than three thousand nor more than ten thousand dollars shall be subscribed, which stock, when subscribed and paid in, shall constitute a fund in their hands, to be appropriated by them in the purchase of such real estate, and in the erection of such buildings as, in accordance with such rules and by-laws as their lodge shall adopt, they may deem necessary.

§ 3. The general assembly reserves the right to alter, amend or annul this act at pleasure.

§ 4. This act shall take effect from its passage.

Approved February 24, 1854.

LAWS OF KENTUCKY.

CHAPTER 265.

AN ACT to amend the charter of the Louisville and Nashville Railroad Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all the lands in counties which have taken stock in the Louisville and Nashville Railroad Company held or owned by persons who are non-residents of such counties, shall be subject to the same taxation for the purpose of paying off such subscription of stock, or for the purpose of paying interest on any county bonds issued in discharge of such subscription, as the lands of residents of such counties are now subject to for a like purpose. That the assessors are directed to report all such lands, their quality, location, and value, who are the owners and where they reside, and may obtain information thereof from the auditor of public accounts, and such other sources as he may be able. The sheriff shall levy and collect the same taxes of such lands as from lands held by the residents of said counties; and in order to do so, shall address each one a letter, to his residence or post office, of the amount to be paid by the first day of October. He shall publish a list of the lands, their location, quantity, value, owners' names and residences, and the amount of taxation to be collected, in the newspaper of the public printer, for ten weekly insertions previously to the March term of the county court for such county, and shall advertise in such publication that if the taxes are not paid on or before the said term of such county court, so much of the land as may be necessary to pay said taxes will be sold on the said county court day, at the court house door of the county in which the land lies, for cash in hand. The owner shall have five years in which to redeem the land so sold, by paying the amount for which it was so sold and ten per centum interest per year to the purchaser; and if it is not so redeemed then the sheriff shall make a deed to the purchaser conveying all the interest of the owner in whose name the land was sold. If the owner is a married woman, infant, lunatic or idiot, he or she or the heirs shall have three years to redeem after the disability is removed or ceases.

§ 2. In all elections of said Louisville and Nashville Railroad Company, the general council of the city of Louisville may appoint some person, in the absence of the mayor, to cast the vote of the city, and the commissioners of the sinking fund of each county may authorize one of their number to cast the vote of the county of which they are commissioners; and such votes shall be received in such elections.

Certain lands made subject to railroad tax.

Mode of procedure.

City of Louisville may vote by proxy.

Approved February 24, 1854.

1854.

Barren county court to record proposition to subscribe stock.

And subscribe the same.

Only one third of the bonds to be issued in any one year.

Dividends on the stock pledged for the redemption of interest and principal.

How the bonds are to be issued.

county court, and having given public notice at least thirty days previous thereto, did open and hold a poll at the different election precincts in said county, and took the votes of the legally qualified voters thereof, for and against a proposition for said county to subscribe three hundred thousand dollars to the capital stock of the Nashville and Cincinnati Railroad Company—said subscription to be paid in the manner and upon the terms contained in said proposition—and a majority of all the qualified voters in said county voted in favor of said proposition. Wherefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Barren county court, at a regular term thereof in the year 1854, if the same has not been already done, to cause to be spread upon the records of said court the proposition in the preamble hereof mentioned, and also the number of votes cast at said election for and the number against said proposition. That said county court be authorized and is hereby required to subscribe three hundred thousand dollars to the capital stock of the Nashville and Cincinnati Railroad Company, the same to be paid for and discharged by issue of the bonds of said county, payable to said Nashville and Cincinnati Railroad Company, having not more than thirty years to run, bearing interest at the rate of six per cent. per annum; the principal at the maturity of said bonds, and the interest semi-annually, to be paid in the city of New York.

§ 2. That no more than one third part of said bonds shall be issued in any one year. Said bonds to bear interest from the first day of January in each year in which they are or may be issued, but the first issue not to be made until after the road is let to contract in said county. The interest on said bonds to be provided for by a levy of an *ad valorem* tax on the real and personal property in said county, as listed for state purposes, so long as the same shall be necessary.

§ 3. That the dividends on the county stock in said road shall be pledged and sacredly appropriated, first, to the payment of the interest on said bonds, and the remainder, after the dividends exceed six per cent., to constitute a sinking fund for the payment of the principal of said bonds, until said bonds are redeemed, or until said sinking fund amounts to three hundred thousand dollars.

§ 4. The bonds hereby authorized to be issued shall be issued on the order of the said county court, each bond for such amount as the president and directors of said company may name, not exceeding one hundred thousand dollars in any one year, to run for a period not exceeding thirty years, and to bear interest at rate of six per cent. per annum, payable semi-annually at the city of New York—each bond to be signed by the county judge of said county, and to be countersigned by the clerk of the said county

pleasure; they shall have power to contract and be contracted with in their corporate name, and to do any other act that will contribute to advance the objects of the association.

§ 4. That said association shall, in its corporate capacity, with all the estate belonging thereto, be liable for any debt or debts heretofore contracted by it, or by its authority, as fully as though the same had been contracted before the passage of this act

Corporate
property liable
for debts.

§ 5. This act to take effect from its passage.

Approved February 24, 1854.

CHAPTER 268.

AN ACT supplemental to an act incorporating the Trustees of the Theological Seminary under the care of the General Assembly of the Presbyterian Church in the United States of America, at Danville, in the State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That section fifteen of an act, entitled, "an act incorporating the trustees of the Theological Seminary under the care of the general assembly of the Presbyterian Church in the United States of America, at Danville, in the State of Kentucky," approved January 28, 1854, which said section reserves to the legislature the right to repeal, alter, or amend said charter at any time, be and the same is hereby repealed.

Approved February 25, 1854.

CHAPTER 269.

AN ACT declaring George's Creek a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, George's creek, in Lawrence county, be and the same is hereby declared to be a navigable stream, from its mouth to William Border's, on the left hand fork, and up to Hiram Boyd's, on the right hand fork of said stream.

Approved February 25, 1854.

CHAPTER 270.

AN ACT to authorize and require the county court of Barren county to subscribe to the capital stock of the Nashville and Cincinnati Railroad Company.

WHEREAS, at the regular election held in the county of Barren on the first Monday in August in the year 1853, the sheriff of said county, agreeable to an order of the Barren-

1854:

demanded for the faithful discharge of his duties under this act; and to make all proper and needful auxiliary orders and regulations concerning them: *Provided*, that said county court may, if deemed necessary, appoint a collector whose powers, duties, and rights shall be the same under this act as herein provided in relation to the sheriff: *Provided* further, that no tax accounts or lists shall be placed in the hands of said sheriff or collector, for collection, until three months from the time the same may be assessed; and during that period all persons may pay to the treasurer the amount of his or her tax without further charge or commission.

Tax receipts
to receive certificates
of stock
therefor.

§ 8. That all payments made by any person on account of interest paid on said bonds shall entitle him or her to a certificate for the amount thereof, which certificate shall be transferable by indorsement or assignment and shall entitle the holder thereof to stock in said railroad company for the amount thereof; and when said certificate amounts to twenty-five dollars, shall entitle him to a certificate of one share of the capital stock of said company, which stock certificate shall be designated on the books of the company as stock scrip, or by some name to designate it from other stock of said company. That when all county bonds are paid off and discharged, or when the sinking fund amounts to a sum sufficient for that purpose, then the three hundred thousand dollars of said stock held in the name of said county shall be transferred and delivered to the holders of the stock scrip *pro rata*, or in proportion to the amount held by each.

Conditions on
which said stock
shall be sub-
scribed.

§ 9. The county court of said county shall not subscribe the three hundred thousand dollars on the part of said county, unless said railroad company shall locate said road through Barren county, and in one mile of the court house of said county, nor until an amount of stock shall have been subscribed, or secured, which in the opinion of a majority of the stock holders, at a general meeting to be called for that purpose, shall be sufficient to insure the construction of said road without a farther call upon said county.

Bonds to be
assignable.

§ 10. That the bonds hereby authorized to be issued shall be assignable by the proper indorsements of said Nashville and Cincinnati railroad company.

County judge
may vote on
said stock.

§ 11. That the judge of the Barren county court after said shall, either in person or appoint some suitable person for him, cast the vote for the stock held by said county in said railroad company at all elections for directors, and general meetings of the stockholders; which appointment, when made shall be entered of record, and a certificate given to the person so appointed.

When said
subscription to
be void.

§ 12. That if said road is not placed under contract and the work in the construction of the same commenced in said county within five years from the date of the appro-

1854.

of this act, then and in that case the subscription here-
authorized to be made shall be void; nor shall the pro-
fits of the sale of the bonds aforesaid, nor any part of
same, be expended without the limits of said county.

Approved February 25, 1854.

CHAPTER 271.

AN ACT to incorporate the Henderson Coal Company.

§ 1. *Be it enacted by the General Assembly of the Common-
wealth of Kentucky, That David R. Burbank, Geo. M. Priest,
John G. Holloway, John H. Lambert, Alexander B. Bar-
rett, L. W. Powell, and their associates and successors, be
and they are hereby created a body politic and corporate,
by the name and style of the Henderson Coal Company;
and by that name shall have perpetual succession; may
contract and be contracted with, sue and be sued, plead
and be impleaded, in all courts and places; have a com-
mon seal, and alter the same at pleasure; and also ordain,
establish, and put in execution any and all by-laws, rules,
and regulations which they may deem proper, from time to
time, for the management and government of the concerns
of said company, not inconsistent with this act, or with
the constitution and laws of this state or of the United
States.*

Corporators
names and cor-
porate powers.

§ 2. That said company shall have power to appoint
any one or more of its members, or other person or per-
sons, to manage, control, and direct the business of said
company, according to the by-laws, rules, and regulations
of said company.

Members to be
appointed to
manage.

§ 3. That the business of said company shall be the
mining, transporting, and selling of stone coal; and for
that purpose they may purchase, receive, rent, hold, enjoy,
and convey real estate, minerals, boats, mining privileges,
and rights of way, and erect suitable buildings, railroads,
depots, and fixtures.

Business in
which company
may engage.

§ 4. That the capital stock of said company shall not
exceed two millions of dollars, which shall be subscribed
for, divided into shares, and paid for in such manner as
said company may prescribe by their by-laws.

Capital stock.

§ 5. Certificates of stock shall be issued as the by-laws
may direct; and the stock shall be regarded as personal
estate, and shall be transferred on the books of said com-
pany, in person or by attorney; but the company shall
have a lien on the stock of any and all stockholders for
any debt he may owe to said corporation.

Issue of stock
and transfer.

§ 6. That said company shall cause a book to be open-
ed and kept, subject at all times to the inspection of any
member of said company, which shall contain the names
of all the members, and the estimated share of stock which

Book to be
kept, and sub-
ject to inspec-
tion.

1884:

demanded for the faithful discharge of his duties under this act; and to make all proper and needful auxiliary orders and regulations concerning them: *Provided*, that said county court may, if deemed necessary, appoint a collector, whose powers, duties, and rights shall be the same under this act as herein provided in relation to the sheriff: *Provided* further, that no tax accounts or lists shall be placed in the hands of said sheriff or collector, for collection, until three months from the time the same may be assessed; and during that period all persons may pay to the treasurer the amount of his or her tax without further charge or commission.

Tax receipts
to receive certifi-
cates of stock
therefor.

§ 8. That all payments made by any person on account of interest paid on said bonds shall entitle him or her to a certificate for the amount thereof; which certificate shall be transferable by indorsement or assignment and shall entitle the holder thereof to stock in said railroad company for the amount thereof; and when said certificate amount to twenty-five dollars, shall entitle him to a certificate of one share of the capital stock of said company, which stock certificate shall be designated on the books of the company as stock scrip, or by some name to designate it from other stock of said company. That when said county bonds are paid off and discharged, or when the sinking fund amounts to a sum sufficient for that purpose, then the three hundred thousand dollars of said stock held in the name of said county shall be transferred and delivered to the holders of the stock scrip *pro rata*, or in proportion to the amount held by each.

Conditions on
which said stock
shall be sub-
scribed.

§ 9. The county court of said county shall not subscribe the three hundred thousand dollars on the part of said county, unless said railroad company shall locate said road through Barren county, and in one mile of the court house of said county, nor until an amount of stock shall have been subscribed, or secured, which in the opinion of a majority of the stock holders, at a general meeting to be called for that purpose, shall be sufficient to insure the construction of said road without a farther call upon said county.

Bonds to be
assignable.

§ 10. That the bonds hereby authorized to be issued shall be assignable by the proper indorsements of said Nashville and Cincinnati railroad company.

County judge
may vote on
said stock.

§ 11. That the judge of the Barren county court for said shall, either in person or appoint some suitable person for him, cast the vote for the stock held by said county in said railroad company at all elections for directors and general meetings of the stockholders; which appointment, when made shall be entered of record, and a certificate given to the person so appointed.

When said
subscription to
be void.

§ 12. That if said road is not placed under contract and the work in the construction of the same commenced in said county within five years from the date of the appro-

1854.

val of this act, then and in that case the subscription hereby authorized to be made shall be void; nor shall the proceeds of the sale of the bonds aforesaid, nor any part of the same, be expended without the limits of said county.

Approved February 25, 1854.

CHAPTER 271.

AN ACT to incorporate the Henderson Coal Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That David R. Burbank, Geo. M. Priest, John G. Holloway, John H. Lambert, Alexander B. Barret, L. W. Powell, and their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the Henderson Coal Company; and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and alter the same at pleasure; and also ordain, establish, and put in execution any and all by-laws, rules, and regulations which they may deem proper, from time to time, for the management and government of the concerns of said company, not inconsistent with this act, or with the constitution and laws of this state or of the United States.

Corporators
names and corporate powers.

§ 2. That said company shall have power to appoint any one or more of its members, or other person or persons, to manage, control, and direct the business of said company, according to the by-laws, rules, and regulations of said company.

Members to be
appointed to
manage.

§ 3. That the business of said company shall be the mining, transporting, and selling of stone coal; and for that purpose they may purchase, receive, rent, hold, enjoy, and convey real estate, minerals, boats, mining privileges, and rights of way, and erect suitable buildings, railroads, depots, and fixtures.

Business in
which company
may engage.

§ 4. That the capital stock of said company shall not exceed two millions of dollars, which shall be subscribed for, divided into shares, and paid for in such manner as said company may prescribe by their by-laws.

Capital stock.

§ 5. Certificates of stock shall be issued as the by-laws may direct; and the stock shall be regarded as personal estate, and shall be transferred on the books of said company, in person or by attorney; but the company shall have a lien on the stock of any and all stockholders for any debt he may owe to said corporation.

Issue of stock
and transfer.

§ 6. That said company shall cause a book to be opened and kept, subject at all times to the inspection of any member of said company, which shall contain the names of all the members, and the estimated share of stock which

Book to be
kept, and sub-
ject to inspec-
tion.

1884.

May procure
right of way to
mines and river,
and how.

each member may own; and each member shall share the profits, and be liable for the losses of said company to the extent of, and in proportion to the amount of his capital stock owned in said company.

§ 7. That said company may, by its agents or officers, apply to the proper authority, and procure the right of way from any coal mine in Henderson county to the Ohio river, or Green river, or any railroad that may pass through the county of Henderson, over or under the lands of other persons, in the same way that individuals may do under existing laws; and moreover, said company having leased for a term of years any coal lands, or mining privileges thereof, and having mined or worked such lands, up to the line of other lands, either owned or leased by them, the said company, may apply to the Henderson county court and obtain a right of way through the lands so worked, to enable them to pass from the land back to the railroads running to the river, passing through said lands so worked; through and along the entries and tracks made by them, or over said land as said company may deem best; and the proceedings for procuring this latter right of way shall be in all respects conformable to those prescribed by law for a right of way to the river.

Right to re-
peal reserved.

§ 8. The legislature reserves to itself the right to amend, alter, or repeal this charter at its pleasure.

Approved February 25, 1884.

CHAPTER 272.

AN ACT to incorporate the Southwestern Railroad Company.

Names of com-
missioners.

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Joel Owsley, Milton King, Joseph S. Bledsoe, James H. Ritchey, Thomas T. Alexander, Fayette W. Alexander, Miller Alexander, John Q. A. King, Robert Elliott, and David R. Haggard, of Cumberland county; Clayton Miller, Junius Caldwell, Stephen D. Johnston, Thos. R. Dohoney, and Timoleon Cravens, of Adair county; William J. Patterson and Napoleon B. Stone, of Russell county; Pleasant Williams and Jonathan Jones, of Clinton county; George Drye, George Riffe, C. H. Coffey, Samuel Patty, and Chesley W. Jones, of Casey county; Daniel W. Jones, George Carpenter, Joseph Goepfer, and Robert Blain, of Lincoln county; and Abram I. Caldwell, William C. Anderson, Jeremiah T. Boyle, James S. Hopkins, and J. M. McFerran, of Boyle county, be and they are hereby appointed commissioners, who, or any one of whom, may receive subscriptions to the capital stock of the Southwestern Railroad Company, hereby incorporated, to be constructed from Danville, Kentucky, through or within one-half mile of Columbia; through or

1854

Route of the

Capital stock

Corporate name and powers.

Subscriptions of stock, how paid for.

Company may borrow money.

within one half mile of Barkeville, to the state line, in the direction of McMinnville, Tennessee; and they, or any one of them, may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company. And the said commissioners, or any one or more of them, shall have power to keep the books open for subscriptions, until the requisite amount of stock shall be subscribed.

§ 2. That the capital stock of the Southwestern Railroad Company shall be two millions of dollars, which shall be subscribed for in shares of one hundred dollars each, by any individual, association, corporation or county; and as soon as one thousand shares of the capital stock aforesaid shall be subscribed for, the subscribers of the said stock, their successors, assigns, or representatives shall be and they are hereby incorporated into a company, to be called and known as the Southwestern Railroad Company, and hereby vested with full power to construct a railroad from Danville, Kentucky, through or within one half mile of Columbia, and through or within one half mile of Barkeville, to the Tennessee state line, in the direction of McMinnville, or whatever other point in Tennessee they may deem advisable; and they shall, by the name aforesaid, be capable in law of purchasing, holding, selling, leasing, and conveying real estate, (not exceeding ten thousand acres,) and personal and mixed estate, so far as the same shall be necessary for the purposes hereinafter mentioned; and shall have perpetual succession; and by said corporate name shall sue and be sued, and may have and use a common seal, which they may alter or renew at their pleasure, and shall have and enjoy, and may exercise all the powers, rights, privileges, and immunities which any other corporate body may lawfully do.

§ 3. That at every such subscription there shall be paid, at the time of subscribing, to the commissioners or their agents, either in money or a promissory note, due within sixty days, or longer if the commissioners shall deem proper, the sum of two dollars on every share subscribed for, and the residue thereof shall be paid in such installments and at such times as may be required by the president and directors of said company: *Provided*, no payment shall be demanded until at least thirty days public notice of such demand shall have been given by said president and directors; nor shall more than ten per cent. of each share of stock be called for in the space of three months; but if the exigencies of the company should require, and the president and directors, or a majority of them, consider it expedient, it shall be lawful for them to borrow, on the credit of said company, any sum not exceeding one million of dollars; and if any of the stockholders should fail or neglect to pay any installment demanded legally for the space of sixty days after the time the same shall be due and pay-

LAWS OF KENTUCKY.

1894!
 Bellmont
 stock may be
 forfeited

If stock not
 taken in 4 years
 charter void.

When they may
 organize.

Election of
 directors.

Annual elec-
 tion of direc-
 tors.

the, the stock on which it is demanded shall be forfeited to the company; should the president and directors think it deem a forfeiture advisable, and may be sold by said president and directors for the benefit of the company: *Provided*, such forfeiture and sale shall not release the subscriber or whose stock may be forfeited and sold, from the payment of the subscription.

§ 4. That if the number of shares necessary to be subscribed to authorize the incorporation of said company shall not be subscribed within four years next after the opening of the subscription books, such subscriptions are obtained shall be void, and the said commissioners after discharging all expenses incurred in the process shall return the residue of the money so paid in to the subscribers *pro rata*: *Provided*, that afterwards said commissioners, or any of them, shall, if they may think proper, again open books of subscription and proceed as before, and be vested with full power under this act.

§ 5. That as soon as practicable after one thousand shares of stock shall have been subscribed, the said commissioners, or a majority of those acting, shall call a general meeting of the subscribers at such time and place as they may appoint, and shall give twenty days public notice thereof; and at such meeting the said commissioners shall lay the subscription books before the subscribers then present, and thereupon the said subscribers, or a majority of those present, shall, from among the stockholders elect seven directors, by ballot, to manage the affairs of the company, who, or a majority of whom, shall elect a president of said company from among the stockholders of the company, and shall allow him such compensation for his services as they deem right; and in all elections herein directed and allowed, each stockholder shall be allowed one vote for every share owned by him or her, and a stockholder may, in writing, depute any other person to vote for him, her, or it as his, her or its proxy: The commissioners hereby appointed, or any three of them, shall be judges of the first election of directors.

§ 6. That to continue the succession of the president and directors of said company, seven directors shall be chosen annually in the month of May each year, on the first day of said month and at such places as the board of directors may from time to time appoint, by the stockholders of said company; and that the directors of said company, or a majority, shall appoint judges of all elections, and shall elect a president of said company, either from among the directory or any other stockholder, and shall allow him such compensation for his services as they may deem proper; and if any vacancy shall occur by death, resignation or refusal to act of any president or director, before the year for which he was elected has expired, a person to fill such vacancy for the residue of the year may be appointed.

LAWS OF KENTUCKY.

by the president and directors of said company, or a majority of them; and that the president and directors of said company shall hold and exercise their offices until a new election of president and directors of said company shall be held; and that all elections which are by this act required to be made within a specified time, if not held during that time, may be held within sixty days thereafter.

§ 7. That a general meeting of the stockholders may be called at any time during the interval between the annual meetings, by the president and directors, or a majority of them; or by the stockholders owning at least one-fourth part of the whole stock subscribed, upon giving thirty days public notice of the time of holding the same, which shall be at the county seat of some of the counties in which the road is situated, which shall be named in the advertisement; and when any such meeting is called it shall specify the object thereof; and if at any such called meeting a majority (in value) are not present in person, or by proxy, such meeting shall be adjourned, day by day, without transacting any business, for any time not exceeding three days; and if within said three days stockholders having a majority in value of the stock subscribed do not attend, such meeting shall be dissolved.

When general meetings of stockholders may be called.

§ 8. That at the regular meetings of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company. That at any called meeting of the stockholders, a majority (in value) of the whole stock subscribed being present, a majority (in value) of said majority may require similar statements from said officers; and at all meetings of the stockholders a majority (in value) of all the stockholders may remove from office the president, or any director of said company, and fill vacancies thus created in the same manner and to the same extent as at their stated meetings.

Regular meetings of stockholders.

§ 9. That every officer of said company shall, before he acts as such, swear or affirm, that he will well and truly discharge the duties of his said office to the best of his skill and judgment.

§ 10. That if the city council of any city, the trustees of any town, or the county court of any county, through any part of which said railroad may be located, or through or into which any railroad is now or may hereafter be located, so as that the same may be connected with the said "Southwestern Railroad," shall desire to subscribe, on behalf of the said town, city, or county, stock in said railroad company, they are hereby authorized so to do, and the provisions of an act, entitled, "an act to authorize the county of Fayette and the city of Lexington to subscribe stock in railroad companies," approved January 25th, 1851, is here-

Counties, cities, and towns may subscribe stock.

LAWS OF KENTUCKY.

When such subscriptions are to be paid, and how.

Stock books may be kept open.

Powers of the president and directors.

Capital stock may be increased.

by so extended as to authorize any city, town, or county before, in this section, referred to, to subscribe stock in said "Southwestern Railroad Company," under the provisions and restrictions as are contained in said mentioned act. And should the trustees of any town, city council of any city, or the county court of any county before referred to, subscribe for stock in said railroad company, the subscriptions so made shall be made payable at such times and places and upon such terms as shall be agreed upon between the subscribers and the railroad commissioners or directors who may be taking the subscriptions. They may, by contract, extend the time of payment, and may, at any time, alter or amend the contract.

§ 11. That the president and directors, or a majority of them, shall have power to continue to keep the books of subscriptions, for stock to the company hereby incorporated open until sufficient stock shall be subscribed to complete said railroad. They may sell or otherwise dispose of such unsubscribed stock for the benefit of the company whenever they may deem it expedient; and the subscribers for stock to said officers, and the purchasers of stock under the last provision, shall have all the rights, powers, and privileges of original subscribers, and shall be subject to the same regulations.

§ 12. That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents, or servants whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure. That they, or a majority of them, may have power to determine, by contract, the compensation of all officers, engineers, agents, attorneys, or others employed in the service of said company. That they, or a majority of them, shall have power to erect, hold, sell, or otherwise dispose of buildings for the safe keeping of the articles entrusted to them for transportation, and for any other necessary purpose. That they, or a majority of them, shall have power to direct the manner in which and by what evidence stock in said company may be transferred, and to pass all by-laws necessary to carry into execution all the powers herein vested. *Provided*, that such by-laws are consistent with the laws of the United States and of this state.

§ 13. That should the capital stock aforesaid be deemed insufficient for the purposes of this act, it shall be lawful for the president and directors of said company, or a majority of them, to increase the same from time to time, by the addition of not more than ten thousand shares, to be subscribed in the same manner as hereinbefore mentioned. And said president and directors, or a majority of them, may sell the same for the benefit of the company. And they, or a majority of them, shall have power to mortgage

1884.

the said road for any sum necessary for its advancement, on the request of two-thirds, in value, of all the stockholders.

Powers vested in the directors.

§ 14. That the president and directors of said company be and they are hereby vested with all powers necessary for the construction and repair of a railway, with such appendages as may be deemed necessary for the convenient use of the same, commencing at any eligible point in Nashville, thence by such route as they may select to Columbia; thence by such route as they may select to Burkeville; thence by such route as they may select to the state line in the direction of McMinnville, Tennessee, not exceeding one hundred feet wide, with as many sets of tracks as they or a majority of them, may deem necessary. And that they make, or cause to be made, all contracts with others necessary to carry the powers herein granted into execution. And it shall be lawful for said president and directors and those with whom they contract to build said road, or any part thereof, and for all persons employed by them, to enter upon and use and excavate any land which may be wanted for the site of said road, or for any other purpose necessary or useful in the construction of the same, or of any buildings belonging thereto; and they may build bridges, provided they do not thereby obstruct the navigation of Cumberland river, may fix scales and weights, may lay rails, may take and use any earth, timber, gravel, stone, or other material necessary for the construction or repair of said road, or any of its appendages; and may make and construct all works whatsoever which may be necessary and expedient in the construction of said road.

Certain sections of former acts adapted.

§ 15. That the 39th, 40th, 41st, 42d, 43d, 45th, 46th, 47th, 48th, 49th, and 51st sections of an act of the general assembly of Kentucky, entitled, "an act to incorporate the Licking and Lexington Railroad Company and the Louisville and Frankfort Railroad Company," approved March 1st, 1847, be and they are hereby re-enacted and incorporated into this act as part of the same; and, substituting the name of this company in lieu of the Louisville and Frankfort Railroad, the said provisions of said act shall be applicable to this company, as though those sections were copied into this act as part hereof.

§ 16. That the 44th section of said act, after striking out the words "between Louisville and the Ohio river," as they therein occur, be and the same is hereby re-enacted and incorporated into this act and made part thereof.

§ 17. That as soon as the company shall have completed ten miles of the road, they may commence and prosecute their business upon the terms and stipulations herein mentioned.

§ 18. That it shall be lawful for said company to make a branch of this road to any point they may deem advisable, and for that purpose shall possess the same powers

May make a branch of said road.

1854.

and rights, and be liable to same restrictions as are mentioned. And they may unite or connect the road, or the branch road, with any other railroad, upon such terms as may be agreed upon by a majority (in value) of all the stockholders of this company, and the legally constituted authorities of the company of such other road. And the president and directors of this road may contract with any other road, either in or out of this state, for the use of their road and its appendages, and may contract in relation to the use of this road and its appendages, to any other railroad company connected therewith: *Provided*, that any contract made by virtue of this section shall be valid unless the same is ratified by a majority (in value) of the stockholders of this company.

§ 19. That section twenty of an act, entitled, "an act to incorporate the Lexington and Danville Railroad Company," be re-enacted and incorporated herein as part hereof.

May set up telegraph wires.

§ 20. That the Southwestern Railroad Company be and it is hereby authorized to purchase, build, own and use, or sell or otherwise dispose of, a line and the usual fixtures for telegraphing, near the roads which it may construct, or may subscribe for stock in any company which may construct such line.

Any railroad company may subscribe stock in said road and indorse their bonds.

§ 21. That any railroad company in this state may subscribe for stock in the said Southwestern Railroad, and any railroad company may indorse the bonds of said Southwestern Railroad Company, upon the same terms as are contained in an act, entitled, "an act to amend the charter of the Covington and Lexington Railroad Company," passed at the present session of this general assembly.

Approved February 26, 1854.

CHAPTER 273.

AN ACT in relation to the Covington and Louisville or Louisville and Covington Railroad Company.

Bridges built under what restrictions.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in the construction of bridges across navigable streams by the Covington and Louisville or Louisville and Covington Railroad Company, no bridge so constructed by said company, with a draw therein of sufficient width to admit the passage of steamboats, shall be deemed an obstruction to the free navigation of said navigable stream.

May issue bonds, and what amount.

§ 2. That in pursuance of and in accordance with the mortgage heretofore executed by the said company to Mellor Hetherington, Frederick Mildred, and Wm. Kent, trustees; the said company may hereafter issue bonds for one million of dollars, or the equivalent thereof, in pounds

...to the number and in the manner and form as specified in said mortgage, and when said bonds shall be executed and delivered, they shall be embraced in and secured by said mortgage and the terms thereof as fully and in as binding and obligatory a manner as if said mortgage had been executed at or after the time of issuing said bonds; and said company may negotiate, hypothecate, or sell said bonds, or any other bonds heretofore issued, of which may hereafter be issued by said company, on such terms, at such rates of discount, at such times and places, and bearing such rates of interest as may be deemed expedient by said company; and said bonds, as also the bonds heretofore issued, shall be and the same are hereby declared to be, to all intents and purposes, valid and binding upon said company and all its rights, privileges, property, franchises, and credits.

§ 3. That the said company is hereby fully authorized and empowered to borrow money upon the credit of the corporation, on such terms, at such rates of interest, for such times, in such places, and to such amounts as the president and directors of said company may deem expedient; and said company may execute such evidences of indebtedness as may be deemed proper, and pledge the property, franchises, rights, and credits of the corporation as security for any loan, liability, or contract which said company has made or shall make; and all bonds by the company issued or made, or which may be issued and made for the purposes aforesaid, shall be binding and obligatory upon said company; and said bonds may be sold at such rates of discount as may be deemed expedient by said company.

§ 4. That said company shall have full power and authority to increase its capital stock, and issue and dispose thereof by sale, hypothecation, or otherwise, as the president and directors thereof shall deem most expedient: *Provided*, that before said stock shall be increased with the view to hypothecate or sell the same for less than par value, a majority of the stock represented, at a public meeting held for the purpose, on thirty days notice by publication in the newspapers of Covington and Louisville, shall vote therefor.

§ 5. That said company may connect with any other line or lines of railway, and may construct telegraph lines along the main road, or any branch of their road, and keep batteries at such points or places as may be deemed expedient, and make such connections with other telegraph lines as may be desired.

§ 6. That said company may subscribe for stock in or loan its credit to such other railroad companies as have made or may make connection with, or are in extension of the line or any branch of said railway; and for the payment of any such subscription or loan, the directory

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may provide means by the issue of bonds or otherwise, and shall be deemed expedient by said directory: *Provided*, that before any such subscription shall be made, a majority of two-thirds of the stock represented at a public meeting of the stockholders, held for the purpose, upon the notice herein before prescribed, shall vote therefor.

§ 7. That said company shall be called and entitled either the Louisville and Covington Railroad Company, or the Covington and Louisville Railroad Company; and the seal of said company, either as heretofore adopted, or as may be hereafter adopted or changed, and the bonds of said company as heretofore or hereafter issued, may express therein either title as aforesaid, and said seal and bonds are hereby legalized, and made as effectual and binding on the company as if this section had been enacted previous to the making and declaring of said seal and the issuing of said bonds; and all acts done or contracts made by said company under one of the aforesaid titles shall be as effectual and binding upon said company as if done or made under the other title.

§ 8. The rates of freight to be charged by said company shall be fixed by the directory, and may be by the ton, hundred, car, or specific articles: *Provided*, that when the charge shall be by the ton or barrel, the through rates shall not exceed three and one half mills per mile per hundred pounds, nor one cent per mile per barrel and other through rates in proportion.

How and when
capital may be
increased.

§ 9. That whereas, by the mortgage referred to in the second section of this act, it is provided that, when so authorized by the Legislature, the said company may issue bonds for one million of dollars, or the equivalent thereof in pounds sterling, in addition to the bonds for one million of dollars already issued under said mortgage; and whereas, it is therein provided that said second issue of bonds shall be numbered from one to one thousand, which numbering is identical with the numbering of the bonds already issued as aforesaid; and whereas, it is desirable to distinguish, by some appropriate mark, the bonds of said second million from those of the first million already issued, now therefore, the said company is hereby authorized to issue said bonds for said second million of dollars, or the equivalent thereof in pounds sterling, numbered from one to one thousand as aforesaid, and to have printed or engraved upon the face of said bonds the words, "1st Mortgage Bonds, 2d issue of £200,000 sterling," and said bonds so issued and marked shall be as fully and completely secured by said mortgage and the terms and provisions thereof as if the words herein provided to be printed or engraved upon the face thereof had been provided for and included in the description of said bonds in said mortgage.

§ 10. This act shall take effect from its passage.

Approved February 25, 1854.

CHAPTER 274.

1854.

AN ACT for the benefit of Alanson Moreman, of Meade county.

Clerk of Hardin county court to transmit certain papers to clerk of Meade county court.

Also a copy of all orders respecting certain estates.

Same to be recorded in the office of clerk of Meade county court.

All settlements thereto relating to be made in latter county.

Copies to be first retained.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the clerk of the Hardin county court be and he is hereby directed to transmit all the original papers pertaining to the estate of Willis Woolfolk, deceased, late of said county, together with a copy of all the orders granting letters of administration on the estate of Willis Woolfolk to Rosina Woolfolk, and the papers of any settlement said Rosina Woolfolk may have made in said court, to the clerk of the Meade county court, whose duty it shall be to record the same in his office, and preserve them as other records are kept; the clerk of the Hardin county court shall also transmit all the original papers pertaining to the granting of letters of administration to Alanson Moreman on the estate of said Woolfolk, deceased, *de bonis non*, and also on the estate of said Rosina, deceased, to said Alanson Moreman, together with the bonds executed therein, to the clerk of the Meade county court, who shall record and preserve them in like manner.

§ 2. That it shall also be the duty of the clerk of the Hardin county court to transmit a copy of all orders or other records, bonds, &c. in relation to said Alanson Moreman's guardianship of Susan Woolfolk and Edmonia Woolfolk, infant children of said Willis and Rosina Woolfolk, deceased, to the clerk of the Meade county court, who shall record and preserve them in his office; and hereafter the said Alanson Moreman, as administrator and guardian as aforesaid, shall make all his settlements as such in the county of Meade instead of the county of Hardin; and all the business in future pertaining to said estate, either as administrator or guardian, shall be done in the county of Meade instead of Hardin, and shall be as legal and binding as though done in the county of Hardin before the passage of this act; and when the aforesaid papers are all recorded by the clerk of the Meade county court, they shall be as legal and binding on the parties concerned as if the administration and guardianship had been originally granted in the county of Meade.

§ 3. That the clerk of the Hardin county court shall make out a complete copy of all the before named papers, and retain them in his office as other records are kept, before transmitting the originals to the clerk of the Meade county court.

Approved February 25, 1854.

1854.

CHAPTER 275.

AN ACT to incorporate Taylor Lodge, No. 184, in Harrison county, of Free and Accepted Masons.

Corporate name
and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the members of Taylor Lodge, No. 184, in Harrison county, of Free and Accepted Masons, be and they are hereby created a body politic and corporate, by the name and style of Taylor Lodge, No. 184, with perpetual succession; and by that name and style shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of having and using a common seal, and breaking or renewing the same at pleasure; of purchasing and holding all such real and personal estate as may be required for the use of said lodge; of receiving all necessary conveyances, and of selling, conveying, and disposing of all such real and personal estate as they may now have or hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings, shall at no time exceed ten thousand dollars.

Trustees named,
their powers.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to B. F. Myer, John H. Stone, John Thompson, Joseph H. Hawkins, and Hamilton Bruce, and their successors in office, who, or a majority of whom, shall have power to make all contracts or conveyances pertaining to the real or personal estate of said lodge; and the service of process or notice on any of said trustees shall be sufficient service on said corporation.

Election of
trustees.

Vacancies, how
filled.

§ 3. That the trustees of said corporation, hereby appointed, shall hold their offices until the 25th day of July, 1854, when the members of said lodge shall elect their successors, and on the same day every year thereafter: *Provided*, that if a vacancy shall occur therein by the resignation of any of the trustees or otherwise, it may be filled by the remaining trustees, if said vacancy shall take place between the times of holding the regular elections; and that said trustees and their successors shall have the power of making such by-laws and regulations, not inconsistent with the constitution or laws of the United States or of this state, as may be necessary for the management of the affairs, the safe-keeping of the property, or the government of the members of said lodge.

§ 3. That the legislature hereby reserves the power to repeal or modify this act at pleasure.

Approved February 25, 1854.

LAWS OF KENTUCKY.

CHAPTER 27A.

1854.

AN ACT for the benefit of certain Common School Districts in Boyle and Mercer counties.

WHEREAS, Charles Hart, deceased, of Mercer county, bequeathed four thousand dollars for the purpose of aiding the establishment and carrying into successful operation par school districts in Mercer county, situated as near his residence as they could be laid off, and the executors of said Hart were authorized to make the selection, and the said sum was to remain in their hands, as a fund for that purpose, until the same was carried into effect; and whereas, said common school districts were laid off according to the requirements of said will, two of said districts being in Mercer, county, and two in the new county of Boyle, but formerly Mercer county, and the said money has been distributed and placed in the hands of the commissioners for common schools in Mercer and Boyle counties, for the purposes expressed in said will; and whereas, the persons resident in said school districts desire that said money devised as aforesaid should be placed in the hands of the trustees of the several school districts entitled thereto. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the commissioners of common schools in Mercer and Boyle counties be and they are hereby directed to pay over to the trustees of common school districts in said counties entitled to the money aforesaid, the sums to which each district is entitled to under the provisions of the will of Charles Hart, deceased; but before paying the same, the trustees of said districts shall each execute bond in the county court of the county where said district may be located, in the penalty of double the amount to be received, conditioned for the faithful application of the fund received by them, and for the payment over to their successors in office, from time to time, payable to the superintendent of public instruction, for the use of said common school districts, and with good security to be approved by the courts.

Certain fund to be paid over to trustees of school districts in Boyle and Mercer.

Trustees to execute bond before the fund is received.

§ 2. That whenever a new board of trustees shall be elected in any of said districts, they shall execute bond, according to the requirements of the foregoing section; and it shall be the duty of the said trustees, at the end of each common school year, to report to the county court of their respective counties the amount in their hands, and the sums paid out by them, for the purpose expressed in the will of said Charles Hart, deceased.

New board in turn to execute bond.

§ 3. That it shall be the duty of said trustees to loan out the sums received by them, and in their reports to account for the interest received by them on said money.

Fund to be loaned out.

Approved February 25, 1854.

1854.

CHAPTER 978.

AN ACT to incorporate the Mississippi, Tennessee, and Kentucky Telegraph Company.

Corporators' names.

Corporate name and powers.

When officers to be elected.

Capital stock.

Election of directors.

May construct branch lines.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That E. S. Tappan, John D. Goodall, B. Glenn, John W. Harris, H. A. Montgomery, Robert Locke, Thomas G. Anderson, Milton Brown, and John A. Gardner, and their associates, who have acquired or may hereafter acquire the right to construct and carry a Morse's Electro-Magnetic Telegraph, on the route from Ripley, in the State of Mississippi, via Holly Springs, in said state; Jackson in the county of Madison, in Tennessee, through the western portion of said state, to the town of Hickman, in the county of Fulton, in the state of Kentucky, intersecting the Memphis and Nashville Telegraph line within the state of Tennessee, do and the same do hereby created a body politic and corporate, for the purpose of erecting and maintaining a line of said telegraph on the route aforesaid, and transmitting intelligence by means thereof, under the name and style of the Mississippi, Tennessee, and Kentucky Telegraph Company; and as such corporators shall have and exercise all the power and privileges necessary for the construction and maintenance of said line; and that so soon as the said line shall be built and constructed, the company shall be organized by the election of its officers, and shall have and exercise all the rights, powers, privileges, and immunities which by law have been conferred upon the New Orleans and Ohio Telegraph Company, so far as the same are applicable.

§ 2. That the capital stock of said company shall not exceed forty thousand dollars, in shares of twenty-five dollars each, to be issued to those who have heretofore or who may hereafter furnish funds for the construction of said line of telegraph; and the holder and owner of said shares shall, in the election of directors, be entitled to one vote for each share owned; and absent stockholders may vote by proxies, producing written authority from them; and in case of an equal number of votes on both sides, the election shall be decided by lot.

§ 3. That the directors and all other officers of said company shall hold their respective offices for one year, and until their successors shall be elected and installed, and shall exercise such powers pertaining to the building and management of said telegraph, not repugnant to or incompatible with the constitution and laws of this state or the United States, as may be authorized by the by-laws of said corporation.

§ 4. That in the construction of said telegraphic line, the company may connect such towns by a main line or by branch lines, as to them seem expedient, feasible, and for

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the benefit of said company; and the capital stock may be increased to an amount sufficient for the construction of the same.

§ 5. This act shall take effect from its passage.

Approved February 25, 1854.

CHAPTER 872.

AN ACT establishing the Paris Female High School.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Paris be authorized to purchase a lot in said town for the purpose of a Female High School, and to improve the same by suitable buildings thereon, so that the improvements thereon shall not exceed in price the sum of ten thousand dollars.

Trustees of Paris may erect a building.

§ 2. The said trustees, for the purpose of paying the purchase money of said lot and the improvements thereon, are authorized to borrow as much money as will, under the aforesaid limit, be sufficient for the purpose, and are authorized to increase the taxes on the property holders in said town, now subject to taxation, so that two thousand dollars per annum may be assessed and collected until the said property and improvements are paid for.

May borrow money to pay therefor.

And levy a tax to discharge the same.

§ 3. That the said trustees shall elect five school trustees, who shall have the control and management of said lot and buildings; who shall have power to construct such buildings and improvements as, under the limited price aforesaid, they may think proper to construct; who shall employ suitable teachers for said High School; make rules and by-laws for the government of the same, and in all things manage, control, and direct the same.

Trustees how elected.

§ 4. The said trustees shall have power to sue for and recover all debts and contracts made with them, and for all trespasses or injuries committed on said property or its buildings and appurtenances; said trustees shall be capable to have and hold any estate or property which may be given or devised to said school.

Corporate powers.

§ 5. After the said trustees are elected by the trustees of said town, the said town trustees shall, by lottery or otherwise, fix the term of office of said trustees of the school, so that at the end of each year a trustee shall be elected; and if at any time a vacancy occurs in the board of said trustees, the said trustees of the town shall fill the same for the period of time to cover said vacancy. The name of said school shall be the Paris Female High School, and the name and style of the corporation hereby created shall be "The Trustees of the Paris High School."

Their term of office.

Corporate name

Approved February 25, 1854.

AN ACT for the benefit of the Sheriff of Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Berry Scruggs, sheriff of Washington county, shall have until the first day of May, 1854, to pay into the treasury the residue of the revenue of said county for the year 1853; and that he be released from all interest and damages when the same shall have been paid as above specified: *Provided,* that the official sureties of said sheriff shall file with the clerk of the Washington circuit court, on or before the fifteenth day of March next, their written consent to the indulgence granted by this act; and the clerk of said court shall immediately thereafter send a certified copy of said consent to the auditor of public accounts.

Approved February 26, 1854.

CHAPTER 281.

AN ACT for the benefit of John D. Mannin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor be and he is hereby directed to draw his warrant on the treasurer in favor of John D. Mannin, for the sum of sixty-five dollars, for losses incurred by him as carrier of the public books in districts Nos. 1, 2, and 3, for the year 1853—to be paid out of any moneys in the treasury not otherwise appropriated.

Approved February 23, 1854.

CHAPTER 282.

AN ACT to incorporate the Glasgow Cemetery Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Robert O. Snoddy, Z. R. Huggins, R. D. Maupin, Wm. F. Evans, Wm. Sampson, John G. Rogers, and Thos. H. M. Winn be and they are hereby created a body politic and corporate, under the name and style of the Glasgow Cemetery Company; and by that name they and their successors shall be able in law to have a common seal, sue and be sued, and do all other things incident to such a corporation. The said company shall have power to purchase any quantity of land in Warren county not exceeding twelve acres, to be held by said corporation exclusively for a cemetery and ornamental grounds connected therewith, and shall not be used for any other purpose; but they may permit their officers or agents to use that portion of the grounds and buildings not sold for burial lots, for horticultural purposes. That said

Corporate name
and powers.

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grounds, fixtures, shrubbery, and everything growing there-in may be subjected to taxes, but shall never, after the ground is fully paid for, be subjected to be levied on or sold by execution or decree for any debt or cause whatever. No road or passway shall be opened through said grounds without the consent of the company. Said company may receive by devise or bequest any legacy that may be given to them, to be appropriated solely and exclusively to ornament and improve the grounds.

§ 2. A majority of the above named persons, or the survivors of them, shall have power to appoint a board of seven trustees, who shall elect one of their number chairman. Said trustees shall remain in office until their successors are qualified, and have power to fill any vacancies that may occur. The term that the first trustees shall serve shall be designated by those who appoint them as above. The seven trustees shall afterwards be elected of citizens of Barren county, by a majority of the stockholders, every third year, due notice of which election, and the manner of holding the same, shall be given and provided by the previous board. Each person owning burial lots to the value of ten dollars shall be regarded as holding a share of stock, and entitled to one vote for every such share. The trustees shall keep a regular record of their proceedings, and of all sales, transfers, and disbursements, and shall preserve a map and survey of the grounds and lots, and have the same recorded in the clerk's office of the Barren county court.

Trustees.

Election of trustees.

§ 3. As soon as the ground is purchased, and the trustees qualified to faithfully and impartially perform the duties of their offices, they shall have power to lay out and ornament the cemetery grounds; to lay off and sell burial lots; to make by-laws and regulations as may be necessary for the purposes of the incorporation; to appoint such superintendent or agents as may be necessary; prescribe their duties; take from them bond for the discharge of those duties, and to remove them at pleasure. The proceeds of the sale of lots, and all other moneys that may come to said corporation from any other source, shall be applied first to reimburse those who have made advancements for the original outlay and purchase of the grounds, and shall afterwards, in all time to come, be applied to ornament and improve the grounds, and defray expenses.

Powers of trustees.

§ 4. When a burial lot is purchased, the trustees shall give a certificate thereof, under the seal of the corporation, which shall invest the purchaser with the title, which may be transferred according to the rules prescribed by the by-laws, but in no other way; and such lots shall never be used for any other purpose than burial lots; and such other use of them by their owners shall cause a forfeiture thereof to the corporation.

Lots, how transferred.

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Trespass, how
punished.

§ 5. If any person shall forcibly and without lawful authority, violate any of the graves of the dead, or deface any of the tombstones, monuments, or inclosures, or injure any of the grounds, shrubbery, fixtures, or buildings, such person or persons, besides being liable to indictment for a misdemeanor and punished in the discretion of the jury, shall be liable to the corporation for a trespass, and the damages, when recovered, shall be applied by the corporation to restore as far as possible any injury that has been done.

Approved February 25, 1854.

CHAPTER 283.

AN ACT to authorize a bridge to be built across Bayou de Chien, in Fulton county.

Bridge may be
built.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the citizens of Fulton county are hereby authorized to build a bridge across Bayou de Chien, at or near its mouth in said county.

Commissioners
to contract for
same, how ap-
pointed.One-half cost
to be paid by
Fulton county.

§ 2. That the Fulton county court is hereby authorized to appoint a commissioner or commissioners to contract for and let out the building of said bridge to the lowest bidder, and to superintend its construction, who shall be paid for their services a reasonable compensation out of the county levy of said county: *Provided,* that not more than one-half of the amount necessary to be raised for the construction of said bridge shall be levied upon the titheables of said county, and the other half shall be raised by individual subscriptions; and the commissioners aforesaid are hereby authorized to receive the same and appropriate them in payment for the construction of said bridge, which shall be built so as not to obstruct the passage of small craft down said stream.

§ 3. That said commissioners shall make a report of all their actings and doings touching said bridge to the Fulton county court.

Approved February 25, 1854.

CHAPTER 284.

AN ACT to incorporate the Perryville and Maxville Turnpike Road Company.

Corporate name
and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That persons who subscribe stock to construct a turnpike road from Perryville, in Boyle county, to Maxville, Washington county, shall be a body politic and corporate, under the name and style of the Perryville and Maxville Turnpike Road Company; and by that name

may sue and be sued, defend and be defended, and have perpetual succession, with a capital stock of twenty thousand dollars, which may be increased in case the same is not sufficient for the purpose of completing the construction of said road.

1854.
Capital stock.

§ 2. That books for the subscription of stock in said road shall be opened on the first Saturday in May, 1854, at the town of Perryville, under the direction of John A. Burton, B. D. Williams, Jacob Carpenter, and Edward Kimball; and at the same time at the town of Maxville, Washington county, under the direction of John M. Smith and Henry Ison, any one of whom may act at such place, after having given ten days notice by putting up written notices of said time and place of meeting, or by notice in a newspaper published in Danville, or Harrodsburg.

Books of com-
mission.

§ 3. Whenever three thousand dollars of stock is subscribed, the persons subscribing stock shall, after giving ten days notice as aforesaid, elect five directors who are stockholders in said road, who shall hold their offices for one year; and after the election of said directors they are authorized to elect a president, who shall also be a stockholder, and the care and financial concerns of said company shall be under the direction of said president and directors.

When compa-
ny may orga-
nize.

Directors elec-
ted.

§ 4. That the provisions of an act, entitled, an act to incorporate the Danville and Hustonville turnpike road company, approved March 1, 1844, so far as the same are applicable, be and the same are hereby adopted as part of this charter.

Part of former
act adopted.

§ 5. That no banking privileges are conferred by this act, which shall take effect from its passage.

Approved February 25, 1854.

CHAPTER 285.

AN ACT to incorporate the Garrard, Lincoln, and Boyle Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be formed under the name, style, and title of the Garrard, Lincoln, and Boyle Turnpike Road Company, for the purpose of making an artificial road.

Corporate name

§ 2. That the capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock shall not be sufficient to accomplish the object of this act, then the president and directors may enlarge it to such an amount as they may deem necessary, and open subscription therefor in such manner as they may think proper.

Capital stock.

1854

Trespass, how
punished.

§ 5. If any person shall forcibly and without lawful authority, violate any of the graves of the dead, or deface any of the tombstones, monuments, or inclosures, or injure any of the grounds, shrubbery, fixtures, or buildings, such person or persons, besides being liable to indictment for a misdemeanor and punished in the discretion of the jury, shall be liable to the corporation for a trespass, and the damages, when recovered, shall be applied by the corporation to restore as far as possible any injury that has been done.

Approved February 25, 1854.

CHAPTER 283.

AN ACT to authorize a bridge to be built across Bayou de Chien, in Fulton county.

Bridge may be
built.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the citizens of Fulton county are hereby authorized to build a bridge across Bayou de Chien, at or near its mouth in said county.

Commissioners
to contract for
same, how ap-
pointed.

§ 2. That the Fulton county court is hereby authorized to appoint a commissioner or commissioners to contract for and let out the building of said bridge to the lowest bidder, and to superintend its construction, who shall be paid for their services a reasonable compensation out of the county levy of said county: *Provided*, that not more than one-half of the amount necessary to be raised for the construction of said bridge shall be levied upon the titheables of said county, and the other half shall be raised by individual subscriptions; and the commissioners aforesaid are hereby authorized to receive the same and appropriate them in payment for the construction of said bridge, which shall be built so as not to obstruct the passage of small craft down said stream.

One-half cost
to be paid by
Fulton county.

§ 3. That said commissioners shall make a report of all their actings and doings touching said bridge to the Fulton county court.

Approved February 25, 1854.

CHAPTER 284.

AN ACT to incorporate the Perryville and Maxville Turnpike Road Company.

Corporate name
and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That persons who subscribe stock to construct a turnpike road from Perryville, in Boyle county, to Maxville, Washington county, shall be a body politic and corporate, under the name and style of the Perryville and Maxville Turnpike Road Company; and by that name

may sue and be sued, defend and be defended, and have perpetual succession, with a capital stock of twenty thousand dollars, which may be increased in case the same is not sufficient for the purpose of completing the construction of said road.

§ 2. That books for the subscription of stock in said road shall be opened on the first Saturday in May, 1854, at the town of Perryville, under the direction of John A. Burton, B. D. Williams, Jacob Carpenter, and Edward Kimball; and at the same time at the town of Maxville, Washington county, under the direction of John M. Smith and Henry son, any one of whom may act at such place, after having given ten days notice by putting up written notices of said time and place of meeting, or by notice in a newspaper published in Danville, or Harrodsburg.

§ 3. Whenever three thousand dollars of stock is subscribed, the persons subscribing stock shall, after giving ten days notice as aforesaid, elect five directors who are stockholders in said road, who shall hold their offices for one year; and after the election of said directors they are authorized to elect a president, who shall also be a stockholder, and the care and financial concerns of said company shall be under the direction of said president and directors.

§ 4. That the provisions of an act, entitled, an act to incorporate the Danville and Hustonville turnpike road company, approved March 1, 1844, so far as the same are applicable, be and the same are hereby adopted as part of this charter.

§ 5. That no banking privileges are conferred by this act, which shall take effect from its passage.

Approved February 25, 1854.

CHAPTER 285.

AN ACT to incorporate the Garrard, Lincoln, and Boyle Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be formed under the name, style, and title of the Garrard, Lincoln, and Boyle Turnpike Road Company, for the purpose of making an artificial road.

§ 2. That the capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock shall not be sufficient to accomplish the object of this act, then the president and directors may enlarge it to such an amount as they may deem necessary, and open subscription therefor in such manner as they may think proper.

1854.
Capital stock.

Books of company
subscriptions

When company
may organize.

Directors elected.

Part of former
act adopted.

Corporate name

Capital stock.

1854.

Names of commissioners.

Covenant.

Directors, when elected.

Directors to appoint other officers.

§ 3. That books for the subscription of stock shall be opened on the first Saturday in April next, or as soon thereafter as convenient, in the town of Lancaster, Garrard county, under the direction of William H. Kinnaird, William Bruce, Jacob Robinson, John P. Hart, and Edmund Byers; at the residence of Christian Engleman, in Lincoln county, under the direction of Christian Engleman, John Engleman, Cyrus Miller, and W. H. Bryan; and at Danville, Boyle county, under the direction of Henry Harlan, Alfred Cohen, Reuben Gentry, William Ball, David Myers, and Thomas M. Leelard, any three of whom may act, who are appointed commissioners. The said commissioners at each place shall provide a book or books, and the subscribers for stock in said company shall enter into the following obligation in said book or books: "We, whose names are hereunto subscribed, promise to pay to the president, directors, and company of the Garrard, Lincoln, and Boyle Turnpike Road Company, the sum of fifty dollars for each share of stock subscribed by us in said company, and agreeably to an act of the general assembly incorporating said company. Witness our hands this — day of —, 18—." The said commissioners, or a majority of them, shall give notice in a newspaper published in Danville or Lancaster, of the time and place of opening books for the subscription of stock in said company, and that they will continue open until the amount of the capital stock shall be subscribed.

§ 4. That so soon as seven thousand dollars shall be subscribed, the said commissioners, or such of them as may act, at such time and place as they may appoint, shall call a meeting of the stockholders, and hold an election for a president and six directors, who shall hold their office for one year, and until others shall be duly elected and qualified. The president and directors, before they enter on the duties of their office, shall take an oath before some justice of the peace that they will faithfully perform the duties of president and directors, as the case may be, without favor and affection, to the best of their judgment. That upon the qualification of the president and directors they shall appoint a treasurer and such other officers as they shall deem necessary, who shall hold their offices for one year and until others shall be appointed. The treasurer, before he enters upon the discharge of the duties of his office, shall give bond, with one or more good securities, in such penalty as the president and directors may direct, payable to the president and directors of said company, conditioned that he will faithfully discharge the duties of treasurer, and will, when called upon, pay the amount of money in his hands to the order of the president and directors, and that he will perform the duties required of him by the by-laws of said company.

§ 5. That upon the election and qualification of the president and directors as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name and style of, the Garrard, Lincoln, and Boyle Turnpike Road Company, and by said name shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding said capital stock, and the increase and profits thereof; and of purchasing, taking, and holding to them and their successors and assigns, and of selling, transferring, and conveying in fee simple, all such lands, tenements, and hereditaments, and real and personal estate, as may be necessary for them in the prosecution of their work; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record or any other place; also to have a common seal, and to do all and every matter and thing which a corporation for like purposes may lawfully do.

1854.
Corporate powers.

§ 6. That the number of votes to which each stockholder may be entitled, shall be according to the number of shares he shall hold; and after the first election no share or shares shall confer a right of voting which shall not have been held three months before the election. The stockholders may vote in person or by written proxy; and no person who is not a resident of Boyle, Lincoln, or Garrard counties, and a stockholder, shall be eligible as president, director, or treasurer; and the president and directors shall cease to be such on their ceasing to be stockholders. The annual election for president and directors shall be annually held on the first Saturday in May, at such place as may be directed, at which time the president of the company shall lay before the stockholders an expose of the situation of said company; also the record of their proceedings for the preceding year. The company shall have power to fix the days and places of their annual meetings and general elections, and pass all by-laws necessary for the regulation of their proceedings and interests.

Qualification of directors.

Annual elections.

§ 7. That the president and directors first chosen shall deliver a certificate of stock, signed by the president and countersigned by the treasurer, to each stockholder, for the stock subscribed by him, which certificate or certificates shall be transferable on the books of said corporation, in person or by attorney; but no share shall be transferable until all the calls and arrearages are paid thereon. The original certificates of the share or shares so transferred shall be surrendered, and a new certificate shall issue to the purchaser, who shall then be a member of said corporation, and entitled to all the privileges and benefits that the original holder was entitled to.

Stock certificates to be signed.

§ 8. That the president may call meetings of the directors at such times and places as he may deem proper; a ma-

Powers of directors.

1854.

Further powers of directors:

majority of all the directors shall constitute a quorum to do business; they shall keep a record of their proceedings at such meetings in a book provided for that purpose. The board of directors may allow the president and treasurer such compensation as they may deem reasonable.

§ 9. That the president and directors shall have power to fill all vacancies that may occur in said board; to agree with and appoint all such superintendents, engineers, artists, officers, &c. as they shall deem necessary to carry on their work; to fix their salaries and wages, and remove any of them at pleasure; to provide the time, manner and proportions in which the stockholders shall make payments of their respective shares; to carry on said work; to draw orders on the treasurer for all moneys necessary therefor, and to do all such matters and things as by this charter and the by-laws of this corporation they are authorized to do.

How bills on stock to be made

Delinquent stock may be forfeited.

§ 10. That the president shall give notice in a newspaper published in Danville or Lancaster, for at least twenty days, of the amount of the call on each share of the stock and the time of payment; if any stockholder neglect or refuse to pay his proportion of the stock, for the space of thirty days after the time appointed for payment thereof, every such stockholder shall, in addition to the installment called for, pay at the rate of six per cent. per annum for delay of payment; and if he shall fail to pay such call and the penalty for the space of six months after the time of payment is required, he shall forfeit such share or shares to the corporation, and the amount that shall have been paid thereon, and the president, by order of the directors, after having given ten days public notice, may proceed to sell such forfeited shares: *Provided*, they will bring the amount due and unpaid thereon: *And provided also*, that no stockholder shall vote at any election, or be entitled to the rights of a member of said corporation, until the full amount due and payable as aforesaid on the share or shares by him held, shall have been paid agreeably to the requisitions of the president and directors.

Description of road.

§ 11. That the said road shall be so levelled and graded that when completed its greatest elevation shall not exceed four degrees; the width of the artificial part of said road shall not be more than forty-five feet, and the portion of it covered with metal, gravel, or macadamized stone shall not exceed eighteen feet, and be fully nine inches in thickness or depth from side to side of that width.

Authority to make road.

§ 12. That it shall be the duty of said president and directors to fix the route over which said road shall pass, and for that purpose to employ all necessary engineers, surveyors, artists, &c. at the costs of the company; and they are hereby authorized to enter upon the lands and inclosures, public roads and highways in, through, and over which said intended road may be thought proper to be passed,

1854.

and to examine and survey the ground therefor, to examine for quarries, beds of stone, banks of gravel, and other materials necessary for the completion and repair of said road, and having due regard to economy, they shall locate said road as follows: commencing at the town of Lancaster; thence the nearest and most practicable route to Christopher's old shop, on the turnpike road leading from Danville to Staaford.

§ 13. That sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, and thirty-five of an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, approved March, 1, 1844, be and the same are hereby incorporated as part of this act.

Certain sections of former act adopted.

§ 14. That so soon as five miles of said road shall be completed, three justices of the peace of the county in which five miles, or a major part thereof lies, who are not interested in the stock of said company, shall be called on to examine the work, and if they shall certify that the work has been done in conformity with the provisions of this act, the certificate shall be recorded in the office of the clerk of the county court of said county, and the president and directors may cause a toll gate to be erected over said road, and may collect the tolls and duties hereinafter granted to said company, from all persons traveling with horses, cattle, carriages, &c. In case said disinterested justices cannot be found, the president and directors may give notice thereof to the county court of said county, and the said court shall appoint three fit persons, whose duty it shall be to inspect said road, or so much thereof as shall be completed, and if in their opinion any five miles of said road continuously is completed according to the provisions of this charter, their report shall be recorded in said county court, and the judge thereof shall enter of record how many gates may be erected, not exceeding one for each five miles, whereupon it shall be lawful for said company to erect a gate for each five miles so completed, and at such places as to them may seem most eligible.

When toll gates may be erected.

§ 15. That when said gate or gates shall be erected as aforesaid, it shall and may be lawful for the president and directors aforesaid to appoint as many toll-gatherers as they may deem requisite, and to collect and receive for tolls not exceeding the rates allowed by the general laws of this commonwealth relating to that purpose. The president and directors shall cause printed lists of the rates of toll which they may lawfully demand to be affixed at each toll-gate on the road.

May collect tolls.

§ 16. The general assembly reserves the right to repeal, alter, or amend this charter at pleasure.

Approved February 25, 1854.

1854.

CHAPTER 286.

AN ACT to incorporate the Falls City Hotel Company of Louisville.

Corporate name
and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That W. E. Glover, W. Musselman, U. Dewees, John Lilly, W. Garvin, T. Stevin, A. Graham, J. Monks, S. Waters, J. O. Cochran, and J. A. Dunlap, and their associates, are created a body politic and corporate, under the name and style of the Falls City Hotel Company, of Louisville, and by that name and style shall have perpetual succession, contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity in this state, with power to acquire, by purchase or otherwise, hold, possess, use, occupy, and enjoy, and the same to sell, rent, lease, convey, and dispose of, manage and control, all such real and personal estate as shall be necessary and convenient for establishing and maintaining a first class hotel in the city of Louisville. The said company may have a common seal, and the same change, alter, and amend from time to time as shall be deemed expedient.

Capital stock.

Commissioners
named.Meeting of
stockholders
called.Election of di-
rectors.Annual elec-
tion.Vacancy, how
filled.

§ 2. That the capital stock of said company shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each. Books for the subscription of stock shall be opened by W. E. Glover, W. Musselman, J. O. Cochran, W. Garvin, and J. A. Dunlap, or any three of them, in the city of Louisville, at such time and place or places as they shall fix upon; and after the subscriptions are closed they shall deliver the subscription book or books over to the first board of directors as soon as said board shall be elected and organized. The said commissioners shall call a meeting of the stockholders of said company, at some convenient time and place in the city of Louisville, within twenty days after the stock is subscribed as provided by this act, and shall give public notice of the time and place of said meeting, for at least ten days, in at least two of the public daily newspapers printed in said city. If a majority of the stockholders, or persons who are subscribers for a larger portion of said stock, shall be present or represented by proxy at said meeting, the said commissioners, or a majority of them, shall cause an election by the stockholders, of a president and five directors of said company, who shall be stockholders and residents of the city of Louisville or county of Jefferson. The president and directors shall be annually elected, after the first election, at such time and place as shall be designated by the by-laws, and in the event of a vacancy in the office of president or director, from any cause, the board of directors, or the directors remaining in office, shall supply such vacancy by the appointment of a stockholder, until the next annual election by the stockholders. The president and directors chosen by the stockholders shall hold

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Their powers
and duties.

How vacan-
cies may be
caused in the di-
rectors.

When compa-
ny may be or-
ganized.

Delinquent
stock, how ap-
portioned.

their offices for one year, and until the successors are elected. The president shall preside at the meetings of the stockholders and directors, and decide points of order. There shall be stated meetings of the directors, to be established by the by-laws. The president and directors shall keep or cause to be kept a correct record of their proceedings, which book shall be open to the inspection of any stockholder. The president shall execute all contracts made by the board of president and directors; but no contract shall be binding on the company unless it is entered upon the record of the proceedings of the president and directors, and approved and sanctioned by a majority of the said directors; and the record of such proceedings shall show that a majority of the said directors was present at the meeting at which any such contract was approved and sanctioned. Should either the president or any director die, resign, cease to be a stockholder, remove from the said city and county, or fail to attend the meetings of the directors for four consecutive meetings, when notified to attend, the said board, or the members of the board, may declare such office vacant, and supply any such vacancy. The first board of president and directors shall adopt and pass all proper and needful by-laws for the government and well being of said company, and its affairs, which by-laws may be from time to time changed, modified, or abolished, and a new code made by succeeding boards of president and directors. The president and three directors, or four directors without the president, shall constitute a quorum for the transaction of the business of said company, within the jurisdiction of the board of president and directors. In the absence of the president at any meeting, the board may elect a president *pro tempore*, who shall possess for the time being the power of the president. The president and directors may employ a secretary, and servants, and agents to do the business, or transact any of the affairs of the company; and they may take bond and security for the faithful discharge of the duties required of any such servants, agents, or secretary.

§ 3. The president and directors may from time to time procure additional subscriptions of stock, provided the full amount authorized to be subscribed is not taken, and said company may be organized as herein directed as soon as twenty five thousand dollars of stock is taken by solvent persons or corporations. The president and directors shall from time to time make calls upon said stock subscriptions, not exceeding twenty per cent. upon the amount subscribed, and not oftener than sixty days apart from the time of making said calls, until the whole amount shall be paid; and they may forfeit stock subscribed for the non-payment of calls. They shall, at the annual meeting of stockholders, exhibit a true statement of the condition of the company's affairs, of its receipts and disbursements and stock

1854.

Stock may be transferred.

account, and from time to time declare dividends and pay the same over to those entitled. They shall keep a stock book and transfer book, which shall give a list of stockholders. They shall give certificates of stock to each stockholder, which may be transferred on said transfer book, and by a surrender of the original certificate and issuing a new one to the assignee. The company shall have a lien on the stock for whatever claims may be held by the company against the holder of the stock, and no transfer of any stock shall be valid until all such demands are paid, or secured to the satisfaction of the president and directors.

How stock may be paid. R.

§ 4. The president and directors may receive in payment of stock subscriptions, indorsed notes, property, or securities, and may renew said notes or securities. Should any stock be forfeited for the non-payment of calls upon it, the forfeiture may be set aside by the president and directors by the payment of all arrearages due on said stock, and such loss as the company may have sustained by the non-payment of the calls on the forfeited stock.

Stockholders not to be liable individually for debts of the company.

§ 5. That no stockholders shall be liable or answerable in his person or individual property for any contract, debt, or agreement of said president and directors, or said company, nor for losses or failures of the capital stock of the company; but the whole of said capital stock of said company, together with all the property, rights, and credits thereto belonging shall at all times be liable and answerable for all lawful demands against said company.

§ 6. That the general assembly reserves the right to repeal or amend this charter at any time, and at pleasure.

Approved February 25, 1854

CHAPTER 287.

AN ACT to change the boundaries of precincts Nos. 2 and 10, in Mason county.

Boundary of precinct No. 2.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the boundary of precinct No. 2, in Mason county, be and is hereby so changed as to include the following described territory in said precinct, viz: Beginning at the stone bridge across Lawrence's creek, on the Maysville and Bracken turnpike road, and running with said road to the cross roads above Jesse Turner's; thence with the McLaughlin's mill road to McLaughlin's mill; thence to Beasley's creek meeting house, and following the road to Lawrence's creek, and thence to the beginning; and the said precinct No. 2, as herein extended, shall be the district for the election of justices of the peace, hereafter, for all persons residing therein, and that the jurisdiction of the present justices of the peace in and for said

precinct shall be co-extensive with the boundaries thereof as enlarged; and the voters hereby included in said precinct shall vote at the voting places therein, now fixed by law. This act shall take effect from its passage.

§ 2. That precinct No. 10, in Mason county, be so changed as to make the line run as follows: Down the North fork to the mouth of Clark's creek; up said creek to the present crossing of the old line, and thence with the old line as heretofore.

Approved February 25, 1854.

1854.

District No
10 changed.

CHAPTER 288.

AN ACT to amend the act, entitled, "an act to incorporate the Lexington Savings Institution," approved February 10, 1851.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act, entitled, "an act to incorporate the Lexington Savings Institution," approved February 10, 1851, may and shall continue in force until the first day of January, 1874, at which time it shall expire.

May continue
until 1874.

§ 2. That Henry C. Payne and B. B. Taylor are hereby constituted and appointed commissioners, in the room and stead of Benjamin Bailey and W. E. Milton, who are named in the second section of said act. And the commissioners shall give two weeks notice of the time and place of opening the books, by publication in two newspapers printed in Lexington, and shall keep them open two hours daily, for three successive days, unless the whole capital stock of said corporation shall be sooner subscribed.

Commissioners
appointed.

Notice to be
given.

§ 3. The act approved March 24, 1851, entitled, an act supplemental to an act, entitled, an act to incorporate the Lexington Saving Institute, approved February 10th, 1851, is declared to be an amendment of the act specified in the first section hereof, and is hereby made applicable as such.

Supplemental
act declared an
amendment.

§ 4. The said corporation shall have no power to buy or discount any promissory note at a greater rate of discount than is now allowed by law to the Northern Bank of Kentucky.

Discount on
notes.

§ 5. This act shall take effect immediately on its passage.

Approved February 25, 1854.

CHAPTER 289.

AN ACT to incorporate the Muldrough's Hill, Campbellsville, and Columbia Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name and style of the Muldrough's Hill, Campbells-

Company form-
ed.

1854.

ville, and Columbia Turnpike Road Company, for the purpose of forming an artificial road from Columbia, by way of Campbellsville, to Muldrough's Hill, with stone, gravel, or plank.

Capital stock.

§ 2. That the capital stock of said company shall be seventy thousand dollars, divided into shares of fifty dollars each.

Names of commissioners.

§ 3. That books for the subscription of stock in said company shall be opened at such times and places as the commissioners herein appointed may deem advisable; and that Milton P. Wheat, Josiah Harris, William E. Frazer, Chesley J. Taylor, Willis Wheat, Henderson W. Wilson, Samuel M. Baker, Junius Caldwell, Samuel H. Murrell, and Thomas R. Dehoney, of Adair county; James W. Lively, Alfred F. Gowdy, Thomas Robinson, James Caldwell, Robert Colvin, George W. Redman, James Sanders, Cary A. Griffin, Ariel Hoskins, and Jonathan Cowherd, of Taylor county, be appointed commissioners under this act. The commissioners shall procure at least one book for each of said counties, and shall keep the subscriptions separate; they shall insert an obligation in each of said books, in substance as follows, viz: We, whose names are hereunto subscribed, severally promise to pay to the president, directors, and company of the Muldrough's Hill, Campbellsville, and Columbia Turnpike Road Company the sum of fifty dollars for each and every share of stock in said company set opposite our respective names, in such manner and proportion, and at such times and places, as shall be by them required under the law incorporating said company. Witness our hands this of 18 . The said commissioners shall give notice of the times and place of first opening said books, by written advertisement posted on the court house doors in Columbia and Campbellsville, at least ten days before the time of the first opening the same, and may keep the same open until all the stock is subscribed, or until the company is organized as hereinafter provided; and when the president and directors of said company are elected and qualified, they may keep the said books open until the amount aforesaid is subscribed, or may close them sooner if they think proper.

When road may be commenced in Adair

§ 4. That as soon as there shall be subscribed on the books which may be opened in Adair county, or by the commissioners and directors resident in county, the sum of ten thousand dollars, the president and directors of said road may proceed to put under contract whatever amount of said road, commencing at Columbia, can be procured to be made for that sum. And whenever there shall be subscribed, on the books of the Taylor county commissioners and directors, the sum of eight thousand dollars, the said president and directors may proceed to put under contract whatever amount of said road, commencing at

When in Taylor.

1854.

Campbellsville or Muldrough's Hill, as a majority of the directors resident in Taylor county may determine can be procured to be made for that sum. A majority of the last named directors may determine in what direction, whether in the direction of Columbia, or of Muldrough's Hill, the the section first built shall extend, if they shall determine to commence at Campbellsville. And said president and directors may proceed, as subscriptions may be made, to construct said road, expending in each county the money subscribed on the books of that county, until the road shall have been finished to the county line, and then the balance, if any, extending towards the other section of the road.

§ 5. That whenever five miles of said road shall have been completed, the company may erect a toll gate and charge and receive tolls; but no gate shall be erected within a half mile of Columbia or Campbellsville; and the company may, for every five miles which they may complete, erect a toll gate, and charge tolls, not exceeding the rates now fixed by law.

When toll gates may be erected.

§ 6. That so soon as one hundred shares of stock in said company shall be subscribed, the commissioners hereinbefore appointed shall call a meeting of the subscribers for stock in said company, at such time and place as a majority of them shall deem proper, after advertising by written advertisement at the court house doors aforesaid, for at least ten days before the day, the time, place, and purpose of the meeting; and the stockholders shall by ballot, or otherwise as to them may seem expedient, hold an election for six directors of said company, who shall be chosen from among the stockholders, three of them to reside in Adair and three in Taylor county, and said directors may elect a president out of the stockholders of the company, either one of their own number or not, as they may deem proper.

Directors to be elected.

§ 7. That said company, when organized by the election of the officers aforesaid, shall possess full power to cause the nearest and best route between Columbia and Campbellsville, and between the latter place and Muldrough's Hill, to be surveyed; and shall possess full power to do all things necessary to be done to effect that purpose, and to construct and complete said turnpike road; and shall have and enjoy, all the rights, privileges, and immunities, and be subject to all the duties, restrictions, and liabilities which are contained in an act, entitled, an act to incorporate the Lebanon, Newmarket, and Springfield Turnpike Road Company, approved February 18, 1848.

Corporate powers.

§ 8. That should a bridge be erected across Russell's creek, under the provisions of an act, entitled, an act to authorize the judge of the Adair county court to appropriate money out of the road fund to build a bridge over Russell's creek, the president and directors of the Muldrough's Hill, Campbellsville, and Columbia Turnpike

May contract for purchase of bridge over Russell's creek.

1854.

Road Company shall have the power to enter into the contract therein named with the Adair county court, and should they do so, may, if they think proper, charge toll at said bridge; they shall also have power to erect a wooden bridge over Green river, on the line of said road and charge toll thereat.

§ 9. The general assembly reserves the right to amend, or repeal this act at pleasure.

Approved February 25, 1854.

CHAPTER 291.

AN ACT to incorporate the Hillsboro' and Poplar Plains Turnpike Road Company.

Corporate name

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company may be formed and created a body politic and corporate, under the name and style of the Hillsboro' and Poplar Plains Turnpike Road Company, for the purpose of constructing a turnpike road from Hillsboro' to Poplar Plains, in the county of Fleming.

Capital stock.

§ 2. That the capital stock of said company shall be twenty thousand dollars, divided into shares of fifty dollars each. Subscriptions towards constituting stock in said company, shall be opened in the towns of Hillsboro' and Poplar Plains, on the first Monday of March next, or in convenient time thereafter, and continue open as long as the commissioners think proper.

Names of commissioners.

§ 3. That the following named persons be and they are hereby appointed as commissioners to do and perform the several duties required by this act: at Hillsboro', F. R. Davis, J. B. Emmons, J. B. Northcutt, John Gray, E. G. Shields, T. M. Crain, and Rev. D. S. Barksdale; at Poplar Plains, Dr. E. Logan, Elias Pearce, Obanion Kendall, and Edwin Pearce.

Covenant.

§ 4. the subscribers shall, in books of the commissioners, enter into the following obligation, to-wit: We, whose names are hereunto subscribed, propose and bind ourselves to pay to the president, directors, and company of the Hillsboro' and Poplar Plains Turnpike Road Company the sum of fifty dollars for each share of stock set opposite our names, in such proportion and at such times as the president and directors may require: *Provided*, said calls are thirty days apart, and not to exceed ten dollars on each call. Given under our hands this — day of —, 185—.

Election of directors.

§ 5. So soon as five thousand dollars is subscribed to the capital stock of said company, it shall be the duty of the commissioners to give notice, in such manner as they may think proper, for a meeting of the stockholders, for the purpose of electing a president and five directors; and one vote shall be allowed for each share of stock; and the

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resident and directors shall continue in office for one year, and until their successors are duly elected. The time and places of all elections shall be fixed by the president and directors, after the first election. A majority of the board shall be competent to transact business.

§ 6. So soon as said company is organized, by the election of officers, the president and directors shall be a body corporate, in fact and in law, under the name and style of the Hillsboro' and Poplar Plains Turnpike Road Company; and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; they shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, answer and be answered, in any court of law or equity; also to have and use a common seal, and generally to do all or any act, matter, or thing which a corporation may lawfully do, to effect the object for which this corporation is created.

Corporate powers.

§ 7. Said president and directors shall fix and regulate the elevation and grade of said road, the width of the part thereof to be covered with stone, also the thickness, and designate the point for the erection of a toll gate, not inconsistent with requirements of the Revised Statutes on the subject of turnpike roads; may fix the rate of toll, regulate and change the same at their option; may erect a gate whenever there are five miles completed, and apply proceeds of said road to its completion: *Provided*, that the rates of toll to be charged and exacted for travel shall not exceed the rates charged on the Maysville and Mountsterling turnpike road: *And provided further*, that no person or persons shall pay toll going to and returning from public worship, mill, or funeral procession.

Directors to fix grade, &c. of the road.

And put up toll gates.

§ 8. That the same power is hereby delegated to said company, to run and survey said road, also locate, that is delegated to the Maysville and Mountsterling turnpike road; and to condemn quarries and beds of stone, and other materials necessary for the completion of said road, to be governed as above.

Powers granted.

§ 9. The president and directors shall appoint a treasurer and such other officers as they may deem necessary, who shall hold their offices for one year, and until others are appointed and qualified. The treasurer of said company, before he enters upon the discharge of his duties as officer, shall give bond and security, in such penalty as the company may require, conditioned to pay over any money in his hands to the order of the president and directors.

Other officers to be appointed.

Treasurer to give bond.

§ 10. The general assembly hereby reserves the power at any time to alter, amend, or repeal the foregoing act.

Approved February 25, 1854.

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CHAPTER 292.

AN ACT to amend an act, entitled, an act incorporating the town of Sherburne.

Limits of town
extended to
county line.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act incorporating the town of Sherburne, in the county of Fleming, be and the same is hereby so amended as to extend the limits of said town as to include the territory now lying between the county line dividing the counties of Bath and Fleming, and the present corporate limits of said town; and the portion hereby annexed shall be entitled to the same privileges and immunities, and subject to the same rules and regulations, heretofore extended to and governing the said town.

Police court
established in
said town.

Police judge
and marshal to
be elected.

§ 2. That a police court is hereby established in said town, to be styled the Police Court of the town of Sherburne, the officers whereof shall be a judge and marshal, who shall be elected by those entitled to vote for trustees of said town, at the same time and place that the trustees are elected. The first election for said judge and marshal shall be held on the first day of April next, and to continue in office until the next election of trustees of said town, and until their successors are elected and qualified. Said election shall be conducted by the same officers who conduct the election of trustees of said town, who shall give certificates of election to the persons so elected.

Proceedings
in case of a tie
vote.

§ 3. The record of the election shall be kept by the same persons who keep the record of the election of said trustees. In case of a tie vote, the officers conducting the election shall choose by lot between those having the highest equal vote. When vacancies occur, the trustees may give notice, by advertising at three public places in the town, of an election to fill said vacancies, which shall be held and determined as herein above provided.

Jurisdiction of
police judge.

§ 4. That the jurisdiction of the said police judge shall be concurrent with that now exercised by justices of the peace, and that said town marshal shall have the like authority, and be governed by the same rules and regulations, that are now exercised and in force respecting constables of said county.

Fines to go to
the town.

§ 5. That all fines and forfeitures for any offense or misdemeanor committed within the corporate limits of said town, shall be appropriated for the benefit of said town, and disbursed as a majority of said trustees shall determine.

§ 6. That this act shall take effect from its passage.

Approved February 25, 1854.

CHAPTER 293.

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AN ACT to authorize the County Judge, of Pulaski and Adair counties to change districts and voting places in said counties.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county judges of Pulaski and Adair counties shall) in their respective counties, at any term of the county court not less than sixty days before any election, upon the petition of a majority of the qualified voters of the county; lay off the county into new justices' and constable's districts, according to the prayer of the petition. They shall also, in their respective counties, under the same restrictions, upon the petition of a majority of the legally qualified voters of any two or more of said districts, change the boundary line between said districts, according to the prayer of the petitioners. They shall also, in their respective counties, upon the petition of a majority of the legally qualified voters of any of said districts, under the same restrictions, change the voting place of such district, to any point in said district which may be prayed for in said petition.

On petition of majority of voters they may lay off the county into new districts.

Change boundary lines.

And places of voting.

§ 2. That if any legally qualified voter or voters of one of said counties, desire a change in any of the respects aforesaid, which will affect either the whole county or the district in which he or they may reside, he or they may apply to the county judge of the county, at any term of the county court not less than sixty days before the day of any election, by petition, setting forth fully and in detail the proposed change; and thereupon said petition shall be filed with the records of the county court, and the county judge shall enter up an order of said court, directing the sheriff of the election to open a poll for and against said change, at the different precincts of the county, if the proposal is to change the whole of the districts or to re-district the county, or if not, at so many of said precincts as may be affected thereby. And if a majority of all the legally qualified voters, who may vote on that question, shall vote in favor of the change, then the county judge, at the next term of the county court, shall have power to and shall make the change in the district or districts so petitioned or voted for: *Provided*, that whenever any disaffected part of any precinct shall apply by petition signed by two-thirds of the qualified voters therein, to the said judge, asking to be attached to any other precinct, the judge shall immediately make such change, and cause the same to be entered of record. No change of the districts shall affect in any manner whatever the term of the officers then holding district offices in any district or districts so changed; but after the change is effected by the last order of the court aforesaid, the new districts, or the district or districts as changed, shall govern in the service of process and trial of causes before justices of the peace or the county judge.

When petition is signed by less than a majority what proceedings are to be had.

Approved February 25, 1854.

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CHAPTER 294

AN ACT incorporating the town of Walton, in Boone county.

Town estab-
lished.

Boundaries.

Trustees ap-
pointed.Election of
trustees.Corporate name
and powers.May assess
taxes in said
town.And appoint
an assessor.

His duties.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Walton, in county of Boone, be and the same is hereby established and incorporated, with the several streets, and alleys, and lots, as respectively laid and numbered, or may be laid out and numbered hereafter, with the limits hereinafter designated, to wit: beginning at the house of John Arnold; thence running on a straight line to the house of R. A. Edwards, including said house; thence on a straight line to the house of A. Varney, including said house; thence to A. Watert, including his house; thence to S. H. Beall's, including his house; thence to J. R. Lancaster's, including his house; thence on a straight line to John Arnold's, the place of beginning, and including said Arnold's house. John Arnold, O. H. P. Ingram, Samuel Nye, James H. Cary, and G. Booth are hereby appointed trustees for said town from the first day of March, 1854, until their successors be duly elected and qualified. On the first Saturday of March, 1855, and every year thereafter, the qualified voters of said town shall, at some place designated by the trustees of said town, and under one or both of the justices of the peace in the district in which said town is located, meet and elect five trustees for said town, whose term of office shall be one year next after their election, or until their successors are duly qualified; and said trustees, pursuant to the provisions of this act, shall take an oath before some justice of the peace of said county, truly and faithfully to perform the duties enjoined on them by law as trustees.

§ 2. That said trustees and their successors shall be a body corporate; and by the name and style of the trustees of the town of Walton, may sue and be sued, plead and be impleaded, in any of the courts of law and equity of this commonwealth; they shall have power to pass all necessary ordinances and by-laws for their improvement, regulation, and advancement of the interest and morals of said town, not inconsistent with the constitution of the United States, or the constitution and laws of this state:

§ 3. Said trustees shall have power to assess a poll tax on the legal tithables of said town, not to exceed fifty cents, and levy an *ad valorem* tax on the real, personal, and mixed estate within said town that is now taxed by the revenue laws of this commonwealth, not to exceed fifty cents on each one hundred dollars worth of property; said trustees shall have power to appoint annually an assessor, who shall be sworn to the faithful and impartial discharge of his duty. It shall be the duty of said assessor to make out and furnish to the said trustees, at such time as they may appoint, lists of the taxable property of each individual in said town, with the value attached thereto; and also a list of the lots, and the value thereof, which belong

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Also collector.

His powers.

Compensation.

President of the board.

His duties.

Clerk of the board.

His duties.

Treasurer, his duties.

May sue for penalties for breach of ordinances.

to individuals who do not reside in said town. They shall also have power to appoint a collector, annually, to collect the taxes assessed on the taxable property and tithes in said town, who shall give bond and security to the trustees of said town for the faithful discharge of all his duties as collector; and he shall have power, if necessary, to collect and coerce the payment of all the taxes assessed by the trustees of said town, by distress and sale, in the same manner as is now authorized by law in regard to sheriffs collecting the revenue and county levy in this commonwealth; and said trustees shall allow to said assessor and collector an adequate compensation for their services.

§ 4. The trustees shall, at their first meeting after appointment or election, choose from among their number a president of the board, who shall hold his office until the next annual election, and whose duty it shall be to convene the trustees from time to time, to preside at their meetings, and to sign all ordinances and by-laws by them passed and enacted. Said trustees shall also elect a clerk, who shall continue in office for one year, or until another is duly appointed, whose duty it shall be to preserve all papers belonging to or filed with said board, and shall attend the meetings thereof, record all their proceedings in a book to be furnished by said board for the purpose, and sign the same as such clerk; and shall copy and certify all records and ordinances when required by said board.

§ 5. That said trustees shall have power to appoint a treasurer, who shall keep the funds of said town safe, and pay the same over, by order of said board, to such person or persons as he shall be directed; and said board may require bond and security of said treasurer, conditioned for the safe custody and payment of said funds; and for a breach of said bond, such legal proceedings may be had as upon bonds executed by the sheriff for the collection of the revenue of the commonwealth.

§ 6. That said board shall have authority to sue for and recover all penalties annexed to a breach of their ordinances and by-laws, before a justice of the peace, or other proper authority having jurisdiction thereof.

Approved February 25, 1854.

CHAPTER 295.

AN ACT to amend the act to provide for the construction of a levee from the town of Hickman to the Tennessee line, approved December 20, 1851.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisions of an act, entitled, an act to provide for the construction of a levee from the town of Hickman to the Tennessee line, approved December 20th, 1851, shall be and the same are hereby applied to the lands

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of non-residents, in the same manner that they are now applicable to the land of residents in every particular, save and except only that the lands of non-residents shall be advertised in the newspaper published in the town of Hickman, for at least sixty days before the day of any sale of such lands; and the cost of such advertisement shall be added to the sum to be made out of such lands, and collected by the sheriff, and by him paid to the publisher of such paper.

Approved February 25, 1854.

CHAPTER 296.

AN ACT to amend the act incorporating Mills Point Lodge No. 120, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to incorporate Mills Point Lodge No. 120, of Free and Accepted Masons, approved January 7, 1852, be and the same is hereby so amended in the first section thereof as to read town of Hickman in "Fulton county," instead of "Hickman county."

Approved February 25, 1854.

CHAPTER 297.

AN ACT to amend an act authorizing the Oakland Plank Road Company to construct a branch road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the first section of the act authorizing the Oakland Plank Road Company to construct a branch road, be amended by striking out the following words, viz: "The property holders through whose lands said branch road shall pass, granting said company the right of way the same width as said eleventh street," and inserting in lieu thereof the following, viz: "For the purpose of obtaining the right of way for said branch road, the provisions contained in the original charter of said company shall be applicable."

Approved February 25, 1854.

CHAPTER 298.

AN ACT to regulate voting in the Portland district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the voters of that portion of the Portland district now annexed to the city of Louisville shall vote with said city in general and municipal elections, their

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oting place to be the one now established by law in the town of Portland: *Provided also*, that the voters residing in the residue of said district, outside of the limits of said city, be allowed to vote at the house of David Blankenbatter, situated in said district, in Jefferson county: *Provided further*, the vote as recited in the first part of this act be enumerated with said city, and the votes in the last part of this act be counted with the vote of Jefferson county.

Approved February 25, 1854.

CHAPTER 299.

AN ACT to apportion the jail expenses between the city of Louisville and county of Jefferson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Jefferson shall defray one fourth of the jail expenses as now paid by said county and the city of Louisville, provided the said city shall pay the other three fourths of said expenses.

Approved February 25, 1854.

CHAPTER 300.

AN ACT regulating Coroners' inquests in the county of Jefferson and city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all coroners' inquests held in the county of Jefferson, outside of the limits of the city of Louisville, shall be at the expense of said county: *Provided*, all coroners' inquests held in the limits of said city shall be at the expense of said city.

Approved February 25, 1854.

CHAPTER 301.

AN ACT authorizing changes of districts and places of voting in Ohio and Muhlenburg counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county courts of Ohio and Muhlenburg counties shall have power and it is hereby enjoined upon them, sixty days previous to the next August election, to make such changes in the boundaries of the respective magistrates' districts and places of voting therein, as may be deemed necessary in consequence of the establishment of the county of McLean.

Approved February 25, 1854.

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CHAPTER 302.

AN ACT to change the limits of the town of Hopkinsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to extend the limits of the town of Hopkinsville, approved February 4th, 1846, be so amended as to read, after the words "to a stake in D. S. Hay's field," thence south twenty-two degrees west, two hundred and forty poles, to a stake in F. C. Sharp's field; thence north sixty-eight degrees west, two hundred and thirty-six poles, to a stake in S. J. Hawkin's field, in the western boundary line of said town.

Approved February 25, 1854.

CHAPTER 303.

AN ACT to change the state road in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the alteration in the state road leading from Canton, on the Cumberland river, to Hickman, on the Mississippi river, made by Hinton George and John A. Pirtle, in Graves county, be and the same is hereby legalized.

Approved February 25, 1854.

CHAPTER 305.

AN ACT incorporating the Green River College.

WHEREAS, it is represented to the present general assembly of the commonwealth of Kentucky that four associations of United Baptists, to-wit: Liberty Association, Freedom Association, Barren River Association, and Bays Fork Association, located in the counties of Barren, Warren, Allen, Edmonson, Butler, Hart, Monroe, Cumberland, and Clinton, have formed themselves into a society for educational purposes. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Burnam, Isaac Newland, James G. Hardy, James W. Scrivner, R. P. Collins, Clement Davis, Rice Maxey, Radford J. Maxey, Samuel Sears, and J. W. Henderson, be and they are hereby constituted a body corporate and politic; they and their successors in office to be known by the name and style of the Trustees of Green River College; and by that name to have perpetual succession; to have and use a common seal, the same to alter or change from time to time, or use their private seal, as they may think proper; to sue or be sued, plead or be impleaded, in any court either in law or equity. The said trustees to hold their offices two years, and until

Corporate name
and powers.

their successors shall be appointed, as hereinafter provided for.

§ 2. That the successors to said trustees, and their successors, shall be appointed every two years, by the associations, at their regular meetings, in the following proportions, that is to say—three to be appointed by Liberty Association; three by Barren River Association; two by Freedom Association; and two by Bays Fork Association—to continue in office until their successors are appointed.

§ 3. That said trustees, in their corporate capacity, and their successors in office, are hereby vested with full power to receive by deed, devise, or in any other manner, any money or property, either real or personal, and the same to hold or dispose of, for the use of said Green River College: *Provided*, that real estate so held shall not, at any time, exceed fifty thousand dollars: *And provided further*, that such bequests or donations shall be held or used in such manner as may be directed by the deviser or donor.

§ 4. That the board of trustees shall have power to pass by-laws for their government and the government of the college, as to them shall seem right, not inconsistent with this act, and the constitution and laws of this state, and the constitution and laws of the United States, and the same to alter or amend. They shall have power to locate said college, and to make contracts for land and the erection of suitable buildings; to employ competent professors and teachers for said college, and to remove the said professors or teachers when in their opinion the interest of the college shall require it: *Provided*, that the college shall be located in the county of Barren, and at the most eligible site therefor in said county that can be procured: *And provided further*, that a majority of the trustees shall concur in making or amending the by-laws, and in purchasing the land and locating the college, and in making contracts for the erection of suitable buildings, and employing professors and teachers, and in removing the same.

§ 5. That the board of trustees shall elect from their own body a chairman, who shall preside over the deliberations of the board, decide points of order, and, in case of a tie on any question, shall give the casting vote.

§ 6. The chairman shall have power to call a meeting of the board when in his opinion the interest of the board shall require it. Any two members of the board may call a board in the absence of the chairman, or upon his failure to attend to the interest of the college.

§ 7. The board of trustees shall keep a fair record of their proceedings, subject to the inspection of the associations, or of a committee appointed by an association, and shall report to the associations at their annual meetings in every year.

§ 8. That the trustees shall have power to confer literary honors, degrees, and diplomas upon the graduates of

1854.

Trustees, how appointed.

Privileges of trustees.

Powers of trustees.

College to be located in Barren county.

Chairman of trustees.

His powers.

Record of their acts to be kept.

May confer literary honor.

1854.

Vacancies, how
filled.

the college, as in the opinion of the professors shall be deserving, as well as upon other persons.

§ 9. That the trustees in office shall have power to fill vacancies in the board until the next meeting of the association in which the vacancy occurred. Four members of the board, the chairman being one of them, shall be a quorum to do all other business than that in which it is herein required that a majority shall concur.

§ 10. The legislature reserves to itself the power to alter or amend this charter, but in no case shall it divest the institution of its property, or any part thereof.

Approved February 25, 1854.

CHAPTER 308.

AN ACT to establish an additional voting place in the town of Allensville, in Todd county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional voting place is hereby established in the town of Allensville, Todd county, in district No. 6 in said county.

§ 2. That the voting place in said town shall be at the office now occupied by R. E. Bibb, until otherwise altered by law.

§ 3. That it shall be the duty of the county judge of said county to appoint judges and other officers to conduct the elections at said voting place, as he is required by law to do for other voting places in said county, and that the officers holding elections at said voting place shall be governed in all respects by the law now in force in this commonwealth applicable to officers conducting elections in the respective districts in said county.

Approved February 26, 1854.

CHAPTER 310.

AN ACT to exclude certain land from the limits of Hopkinsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act the land owned by Isaac Landes, lying on the Clarksville road, south of the city of Hopkinsville, shall be excluded from the corporate limits of said city.

Approved February 25, 1854.

CHAPTER 311.

AN ACT to incorporate the Deposit Bank of Lancaster.

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§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established the Deposit Bank of Lancaster, with a capital of fifty thousand dollars, to be subscribed and paid for by individuals, companies, and corporations, in shares of one hundred dollars each, in the manner hereinafter specified; which subscribers and shareholders, their successors and assigns, are hereby created a body politic and corporate until the first day of June, 1890; and by that name, under the restrictions hereinafter prescribed, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts and places, and in all matters whatever as natural persons, with full power to acquire, hold, possess, use, occupy, and enjoy all such real estate, goods, effects and chattels as shall be convenient for the transaction of its business, and the same to sell, convey, and dispose of at pleasure: (*Provided*, the value thereof shall not exceed ten thousand dollars;) or which may be conveyed to said institution as security for any debt, or which may be received in discharge of any debt, or purchased in satisfaction of any judgment or decree in its favor, or the purchase of any property on which it may have a lien; and said institution may have and use a common seal, change, alter, and renew the same at pleasure; and may ordain and put in execution such by-laws, regulations, and rules for the government of the same as may be deemed necessary: *Provided*, they be not contrary to the constitution and laws of this state or the United States.

Bank established.

Capital stock.

Corporate powers.

§ 2. The provisions of an act, approved the 20th of March, 1851, entitled, "an act to incorporate the Deposit Bank of Danville," except so far as the same are changed, shall be the law governing the Deposit Bank of Lancaster; and the last named institution is hereby vested with all the powers, rights, privileges, and immunities vested in the Deposit Bank of Danville.

Provisions of former act adopted.

§ 3. The general meeting of the stockholders shall be held on the first Monday in April in each year, in the town of Lancaster, at the time of the annual elections, to which meeting the president and directors shall present an accurate statement of the condition and affairs of the institution; and a general meeting of the stockholders may be called as provided in this charter, or by the president and directors when they deem it advisable, or by any number of stockholders the by-laws may require.

General meetings.

§ 4. The legislature shall have the right to investigate the situation and affairs of said institution, by any committee they may appoint for that purpose; and the Franklin circuit court shall have jurisdiction to try the forfeiture of this charter for the violation of the provisions of

Legislature may investigate affairs of the company.

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the same. The proceedings shall be by *scire facias*, alleging and specifying the acts of forfeiture relied on, and shall only be sued out at the instance of the attorney general when directed to do so by the legislature.

Names of commissioners.

§ 5. That W. C. Bailey, Seymour Hopper, James M. Bryant, Samuel Lusk, Jacob Robinson, Thomas K. Salter, William Bruce, Joshua Dunn, George E. Hackley, R. M. Robinson, James M. Philips, Hall Anderson, Henry T. Terrill, James M. Reed, Lytle Royston, John Y. Leavelle, and Sabret Doty are hereby constituted commissioners to open books and receive subscriptions for the capital stock of said institution, and to superintend the first election of the board of directors, any three of whom shall be competent to exercise the powers and perform the duties required by this section.

When stock books to be opened.

§ 6. The said commissioners shall have power, and they are hereby authorized and required, on the second Monday in April next, or at such other time within two years thereafter as they shall deem expedient, having given twenty days notice thereof in some newspaper printed in Danville, to open books for the subscription of the capital stock of said institution, at Lancaster and such other places as they may deem advisable, and cause said books to be kept open from ten o'clock, A. M. until two o'clock, P. M. for at least ten days, or until at least two hundred and fifty shares shall have been subscribed, when the same may be closed; and if more than five hundred shares shall have been subscribed by individuals, companies, and corporations, the commissioners shall deduct the excess from the largest subscriptions, in such manner that no subscription shall be reduced and leave another larger.

Books may be re-opened.

§ 7. That if the whole of five hundred shares of capital stock shall not be taken when the books shall be first opened, the president and directors may cause the books to be opened at any time and place they may direct, giving thirty days notice thereof in some newspaper, and cause them to be kept open not less than ten days, or until the whole of the balance of stock shall have been taken; and the president and directors may require such premium on the stock sold at the re-opening of the books as they shall deem right, and such premium shall be the property of the institution.

Election of directors.

§ 8. That when not less than two hundred and fifty shares of capital stock shall have been taken, and the commissioners shall have closed the books, it shall be their duty to give notice in some newspaper, and appoint a day in Lancaster for the election of the first board of directors, who shall hold their offices until the succeeding annual election; and not less than twenty nor more than forty days notice shall be given of the time and place of electing said board, and at least three of said commissioners shall act as inspectors of said election, and shall take the

oath, and perform all the duties of inspectors of elections in like cases.

§ 9. That the payment of the shares of the capital stock held by individuals, companies, or corporations shall be made in gold or silver, or notes of either of the banks in this state, and at the time and in the manner following, viz: five dollars on each share to the commissioners at the time of subscribing, and ten dollars on each share within ten days after the election of the first board of directors, and five dollars every sixty days thereafter until the whole amount of said stock is paid: *Provided*, that the board shall have power to prolong the time for payment of each installment after one half of the amount of each share shall have been paid. That no one individual, company, or corporation shall be allowed to take or hold shares amounting to more than ten thousand dollars of the capital stock of this institution, either in their own names or in the names of others for their use; and all stock any individual, company, or corporation shall take or hold contrary to this provision, shall be forfeited to this institution for the benefit of the other stockholders: *Provided*, that should any person or company own stock in said institution, and have other stock to descend or be devised to them, making their stock over ten thousand dollars, it shall not be forfeited if the stock so descended or devised is sold within six months after notice of such descent or devise; and no individual, company or corporation shall be allowed, in person or by proxy, to vote at the first election of directors on any stock that may stand in their names, without first making oath that the stock *bona fide* belongs to them, and is not held in trust for others.

§ 10. It shall be the duty of the president and directors, on the first day of September, 1854, and on the first day of September in each succeeding year, to pay to the treasurer of this state twenty-five cents on each one hundred dollars worth of stock paid for in this institution, which shall be in full of all tax or bonus: *Provided*, the legislature may increase or diminish the same; but at no time shall the tax exceed fifty cents on the one hundred dollars worth of stock paid in said institution.

Approved February 25, 1854.

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How payments
of stock to be
made,

Limit on amt
of stock to be
subscribed.

Tax to be paid
the state.

CHAPTER 312.

AN ACT to incorporate the Kentucky Mining and Manufacturing Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That George D. Prentice, Nathan G. Westler, Wm. H. Wooden, Samuel F. Headley, and A. J. Deidrick, or any three of them, their assigns, associates, and successors, be and they are hereby constituted and

1854.

Style of incorporation.

In what they may engage.

May hold estate of any kind.

May charge toll, &c.

When directors to be chosen.

created a body politic and corporate, by the name and style of the Kentucky Mining and Manufacturing Company; and by that name and style to have perpetual succession, for all purposes of mining all kinds of coal, ores, and minerals, and for manufacturing all kinds of iron, metallic articles, machinery, lumber, cotton and woollen goods, and for doing and transacting all and every business connected with such mining and manufacturing, and of transporting to market and selling of coal, ores, iron, minerals, lumber, and other products of the lands and manufactories of said company, and as may facilitate or be of advantage to the same; and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter at pleasure; to make rules and by-laws for the regulation and management of said corporation, and for the protection of the corporate property from injury, and generally to do all and every other act and thing the directors and company may see proper for the well being and advantage of said company, not inconsistent with the laws of this commonwealth and of the United States.

§ 2. That said company shall have the right to hold, by purchase or lease, any and all such lands, tenements, coal rights, ore-rights, mining-rights, privileges, and appurtenances, rights of way, buildings, and machinery, real, personal, and mixed property, and also to make, build, construct, or purchase, any road or roads, plank road or plank roads, railroad or railroads, wharfs, landings, depots, canals, locks, and slackwater navigation upon any stream or streams, river or rivers, as they may deem necessary for the well being and advantage of said company, and the same or any part thereof to use, occupy, sell, lease, let, or otherwise dispose of, and charge and collect such toll or tolls for the use of the same, from time to time, as the directors or company may see proper; and also all the rights, powers, authority, and privileges granted to and conferred upon the Breckinridge Cannel Coal Company, by the second, fourth, fifth, sixth, eighth, ninth, tenth, eleventh, and thirteenth sections of an act of the General Assembly of this commonwealth, entitled, an act to incorporate the Breckinridge Cannel Coal Company, approved the ninth day of February, A. D. 1854, be and the same are hereby extended to and conferred upon this company; and the said several sections are made a part of this act, and to have the same force and effect in reference to, with, and for this company as the said sections have, in, to, and with the said Breckinridge Cannel Coal Company: *Provided always*, that the first election for directors of this company shall be held at such time and place as any three of the incorporators named in this act shall determine; and the capital stock of this company shall consist of the like amount, divided into

1854.

The number of shares, and of the like denomination is or may be fixed and determined for the capital stock of the Breckinridge Cannel Coal Company, under the provisions of the act of this Legislature incorporating said Breckinridge Cannel Coal Company; and this company shall have the same right and power to borrow or obtain any sum or sums of money, thereafter convertible in whole or in part into the stock of this company. And this company shall be subject to the same restrictions as to exercising any ferry right or franchise, and the reservations to the Legislature relating to the alteration, amendment, or repeal of the charter, as is contained and provided in the aforesaid act incorporating the Breckinridge Cannel Coal Company, be and the same are hereby extended to and made a part of this act with like force and virtue: *And provided further*, that so much of the eighth section of the aforesaid act as relates to the completion of the railroad of the Breckinridge Cannel Coal Association shall not be construed as extending to this act.

§ 3. This act shall take effect immediately after its final passage; and the incorporators named in the first section of this act, or any three of them, or their assigns, may at any time proceed to take subscriptions of stock, payable in whole or in part in lands, coal-rights, ore-rights, or otherwise as they may see proper; and when the sum of fifty thousand dollars or upwards of the stock shall have been subscribed and paid, they shall certify the same to the Governor of this commonwealth, and proceed to organize the company by the election of directors, and thereafter the directors may dispose of the remainder of the stock, issue certificates, declare dividends, create a contingent fund, and the same or any part thereof loan out at such rates of interest as the directors may see proper, and as is provided for obtaining loans under the provisions of said act incorporating the Breckinridge Cannel Coal Company, and as the by-laws, rules, and regulations of this company may provide, and generally may do and perform every act and thing authorized by the several provisions of this act.

Approved February 28, 1854.

CHAPTER 313.

AN ACT to amend an act, entitled, an act to incorporate the Breckinridge Tar and White Sulphur Springs Company.

WHEREAS, the records and papers of the Breckinridge Tar and White Sulphur Springs Company have been lost or destroyed; and whereas, doubts have arisen as to who are the proper officers of said company, and also as to the authority to sell or otherwise dispose of the property of said company, and also as to the authority and manner of

1854.Election to be
held for officers.

holding an election for president and directors of said company. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That David R. Murray, Obediah Newman, Minor E. Pate, Robert McGasock, Dr. Jesse Holmes, John S. Lightfoot, Davis Alton, Ezekiel Fisher, and William Hambleton, or any three or more of them, be and they are hereby authorized and empowered to hold an election at such time and place as any three or more of the aforesaid persons shall agree upon, for president and directors of said company: *Provided*, that notice of such election shall be given at least ten days prior thereto, by at least three written or printed advertisements put up in public places in the town of Cloverport and at said Breckinridge Tar and White Sulphur Springs.

Business, to
whom confided.Property may
be disposed of,
and by whom.

§ 2. That the business, financial and prudential concerns, and management of the affairs of said company shall hereafter be vested in a president and four directors, and such other officers and agents as they may appoint, or as shall be provided for in the constitution and by-laws of said company. Said president and directors shall have power to appoint a treasurer who shall hold his office during their pleasure, and who shall give security for the faithful discharge of all the duties of his office, and for the payment of all moneys which he may receive on account of said company, in such manner as the president and directors shall direct. Said president and directors may sell and convey, from time to time and at any time, any of the real and personal property or effects of said company as they may see proper, and may purchase such real and personal property as they may see proper for said company; and at all meetings of the president and directors, any three of them shall constitute a quorum for the transaction of business; and in the absence of the president the directors present may appoint one of their number to act as president *pro tem*.

When officers
are to be elected.

§ 3. At the election for president and directors under the provisions of the first section of this act, each and every person believed by those holding said election to be legally or equitably entitled to or interested in the ownership of said "Breckinridge Tar and White Sulphur Springs" property, shall be entitled to one vote (either in person or by proxy;) and at all subsequent elections for president and directors, each stockholder shall be entitled to one vote for each and every share of stock held by him and standing to his or her name on the books of the company. The election for president and directors shall take place annually, at such time and place as the president and directors shall direct, of which election notice shall be given in such way and manner as the by-laws of the company shall provide: *Provided*, that if from any cause whatever there shall be a failure to elect as before provided, the president

and directors in office shall continue in office, and transact business until such election is had.

§ 4. That it shall be the duty of the president and directors, as soon after their election under the provisions of the first section of this act as may be practicable, to divide the capital stock of the company into shares of ten dollars each, and to issue certificates of the same to the person or persons entitled thereto, and the shares of capital stock of said company shall thereafter be ten dollars each. The company may connect with the business of the same, any institution of learning, or for the promotion of education and science, and may erect or cause to be erected all buildings for the accommodation of persons having charge of the same, and for students, scholars, and other purposes as they may deem important to the well being thereof; and may conduct the same in such manner as their by-laws and regulations may provide. The directors, with the consent of a major part of the stock owners, may borrow money and secure the repayment by bonds, mortgages, or otherwise. The incorporation, by its name, may sue and be sued, and shall have perpetual succession; and so much of the "act incorporating the Breckinridge Tar and White Sulphur Springs Company," approved February 1, 1837, as is inconsistent herewith, or as is altered or supplied hereby, be and the same is hereby repealed, but nothing otherwise. This law shall take effect from and immediately after its final passage.

1854.

Capital stock to be divided in to shares.

May connect with any institution of learning.

Approved February 28, 1854.

CHAPTER 314.

AN ACT to amend the charter of the Covington and Taylor's Mill Road Turnpike Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Covington and Taylor's Mill Road Turnpike, so far as it is now located by the president and directors of said company, commencing at the southern limits of the city of Covington, and running southwardly to the orchard of James Simmons, be and the same is hereby recognized and made the location of said road: *Provided*, that all persons south of Bank Lick creek and east of the Taylor's mill dirt road, who have subscribed stock and are not satisfied with the present location of said road, be and they are hereby released from the payment of the stock subscribed by them.

Present location recognized.

§ 2. That the president and directors of said company may extend and continue said road from James Simmons' to Thomas Stephens', by the ridge route, which they may deem most practicable, without reference to the points originally made in said charter.

Road may be extended.

1854.

When toll
gate to be erect-
ed.

§ 3. That said company may place a toll gate at any point on said road deemed most advisable, not to be nearer to the city of Covington than the first toll gate on the Bank Lick turnpike road: *Provided*, that all tolls on said road shall be in proportion to the distance traveled on the same as compared to the rates as now fixed by law.

Approved February 28, 1854.

CHAPTER 315.

AN ACT to enlarge the jurisdiction of the Police Judge and Marshal of the town of Campbellsville.

Jurisdiction of
police judge.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the police judge and marshal of the town of Campbellsville, in Taylor county, shall have concurrent jurisdiction with justices of the peace and constables throughout the county of Taylor, and shall be governed in the same manner, and be subject to the like responsibilities and penalties, which now govern and control said officers, respectively; and the marshal shall have power to execute all process which may issue from a justice of the peace, in the manner that constables now have; and in addition to the power now conferred on said police judge, he shall have the same power to take and certify depositions which justices of the peace now have.

Powers of the
marshal.

County court
to fix time of
holding police
court.

§ 2. That it shall be the duty of the judge of the county court of Taylor to fix the time for holding the court of said police judge for the trial of civil causes, in the months now required by law for holding justices' courts, and shall have the same entered of record in said court.

Part of former
act adopted.

§ 3. That the 3d and 4th sections of an act, entitled, an act to enlarge the jurisdiction of the police judge and marshal of the town of Greensburg, passed the present session, providing for filling vacancies in said offices; be and the same are hereby made applicable to the said town of Campbellsville.

Approved February 28, 1854.

CHAPTER 316.

AN ACT changing the time of holding the Larue Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the judge of the Larue county court shall hold the quarterly terms of said court on the third Mondays of March, June, September, and December, instead of the first, as now fixed by law.

Approved March 1, 1854.

LAWS OF KENTUCKY.

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CHAPTER 317.

1854.

AN ACT for the benefit of Millington Easley.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Millington Easley, of the county of Logan, be and he is hereby authorized to vend and peddle dry goods, wares, and merchandize throughout the state, without paying license for same.

Approved March 1, 1854.

CHAPTER 318.

AN ACT authorizing the Laurel County Court to change Justices' Districts or voting places, in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the Laurel county court shall have power and authority to change or alter any justices' or voting district in said county, upon the petition of a majority of all the qualified voters residing within the bounds of the proposed change: *Provided,* that no change shall be made within sixty days preceding any election.

Approved March 1, 1854.

CHAPTER 319.

AN ACT for the benefit of T. Q. Carter, of Pulaski county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Tunstall Q. Carter, late constable of Laurel county, shall have two years from and after the passage of this act to list his fee bills for collection with any constable of Laurel county, for services rendered by him as late constable of Laurel county.

Approved March 1, 1854.

CHAPTER 320.

AN ACT for the benefit of the Newport Academy.

WHEREAS, by an act of the general assembly, approved December 22, 1798, William Kennedy and others were constituted a body politic and corporate, by the name and style of the Trustees of the Newport Academy, said act authorizing said trustees, among other things, to locate six thousand acres of land south of Green river, in this state; and whereas, said trustees, by authority of said act, did locate lands south of said river, and the lands thus located were patented by the commonwealth to the said trustees in the year 1801; and whereas, the trustees of the

1854.

with regard to similar companies, as prescribed in the 103d chapter of the Revised Statutes, so far as the same are not inconsistent with this act.

Description of
road.

§ 7. The said road shall not be less than twenty-five feet wide, nor the macadamized part thereof less than sixteen feet wide; and it shall be graded at an elevation not exceeding four degrees in any part thereof.

§ 8. This act shall take effect immediately after its passage.

Approved March 1, 1854.

CHAPTER 332.

AN ACT to incorporate the Bryantsville Methodist Episcopal Church.

Corporate name
and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Isaac M. Myers, David C. Alpaugh, and Whitaker H. Campbell, and their successors in office, be and they are hereby created a body politic also incorporate, by the name and style of the Trustees of the Bryantsville Methodist Episcopal Church; and by that name to have perpetual succession, for the purpose of contracting and being contracted with, of suing and being sued, so far as may be necessary to protect and preserve the rights, titles, privileges, and immunities of said church which now do or may hereafter belong to the same; also to buy any lot or lots, and receive conveyances therefor, or for any other real estate which may have been heretofore purchased by the trustees of said church, or by other persons for the use of the same, or which may be hereafter given or devised to them for the use of said church, all of which property shall pass to them and their successors in office forever, pursuant to the desire or express limitation of the donor or grantor.

Vacancies, how
filled.

§ 2. Said trustees shall continue in office until they resign or refuse to act; and when vacancies shall occur, the same shall be filled pursuant to said church discipline, and the rules and regulations of said trustees.

They shall
keep a record.

§ 3. A majority of said trustees shall constitute a quorum to do business; they shall keep a record of their proceedings, and appoint all such officers as may be necessary, in pursuance of their discipline, and pass all such by-laws relative to the government and control of said building and church as they may think proper, not inconsistent with the constitution of the United States and the constitution and laws of this state.

Approved March 1, 1854.

CHAPTER 323.

1854.

AN ACT to create a Police Judge in the town of Independence.

Police court established.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established in the town of Independence, in Kenton county, a police court; and a police judge for said court shall be elected by the qualified voters of said town, and shall, when elected, take an oath before some justice of the peace of said county, faithfully, impartially, and to the best of his ability to discharge the duties of his office.

Police judge elected.

§ 2. Said police judge shall have jurisdiction within said town and within one half mile beyond the limits thereof, of all civil causes to the same extent that justices of the peace now have, or may hereafter have; and shall also have the same jurisdiction of crimes and misdemeanors committed in Kenton county as two justices of the peace now have, and full jurisdiction within said town of all offenses against the ordinances and by-laws of said town, and power to enter judgments and issue executions for all fines and penalties for such offenses.

His jurisdiction and powers.

§ 3. It shall be the duty of said police judge to keep a record of his proceedings, copies of which shall be evidence to the same extent and for the same purpose that copies of the records of justices of the peace now are. He shall have power to issue subpoenas for witnesses, and other process to compel their attendance before him, and to punish all contempts against his authority by fines not exceeding five dollars in each case. He shall have power to order the marshal to summon a jury in cases cognizable before him, where a jury is required by law. He shall have power to take and certify depositions as justices of the peace now have, which shall have the same effect as if taken before a justice of the peace, and shall be entitled to the same fees and compensation, in cases that may come before him, that justices of the peace are now entitled to. He shall have jurisdiction of all cases of motions and suits against the marshal of said town, for each and every failure of said marshal to perform his duty.

To keep an official record.

His powers.

His fees.

§ 4. Appeals from all judgments rendered by said police judge in civil cases shall be allowed to any party, under the same rules and regulations, and to the same tribunals, as appeals are now allowed from judgments of justices of the peace.

Appeals allowed.

§ 5. Said police judge shall be elected by the qualified voters of the town of Independence, at the same time and in the same manner as the presiding judge of the county court for Kenton county, be qualified in the same way, and hold his office for the same term.

How elected.

§ 6. Said police judge shall direct all warrants, executions, and process to the marshal of the town of Independence, who shall promptly make due execution, service, and return thereof to said court.

To whom process to be directed.

Approved March 1, 1854.

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CHAPTER 324.

AN ACT to amend the charter of East Maysville.

Residents only to hold office.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter no person shall be eligible to or take or hold any office in the town of East Maysville, unless he be citizen and resident of said town.

Vacancy in office of police judge and marshal, how filled.

§ 2. That hereafter when, from any cause, there is a vacancy in the office of police judge or marshal of said town, the trustees shall have power to fill such vacancy until the next regular election for such officer; and any former law, not in accordance with this section, is hereby repealed to the extent that it does not accord herewith.

Boundaries of the town.

§ 3. That the boundaries of East Maysville are hereby changed so as to embrace the following territory or ground, to-wit: beginning at low water mark on the Ohio river, at the present mouth of Limestone creek; thence with the bed of said creek to the northern side of the Maysville and Lexington railroad; thence with the line of said railroad to the upper side of the road leading from Lexington street, in East Maysville, to the Maysville and Flemingsburg turnpike; thence with the upper side of said road to Fourth street in said town; thence eastward with Fourth street, along the present boundary of said town, and then with the present boundary on the east to low water mark on the river; thence with said river, at low water mark, to the mouth of said Limestone creek; and all the powers, laws, privileges, rights, and enactments herein granted and in existence at the time of this amendment, in East Maysville, shall hereafter apply and be in force within the limits above described.

§ 4. This act shall take effect from its passage.

Approved March 1, 1854.

CHAPTER 325.

AN ACT to incorporate Wolford Lodge, No. 68, I. O. O. F. of the town of Independence.

Corporate name and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Henson Wayman, John W. Watson, and Edwin F. Spilman, and their successors in office, are hereby created a body politic and corporate, by the name and style of the Trustees of Wolford Lodge, No. 68, and by and in that name are hereby vested with full power and authority to acquire, hold, use, and enjoy real and personal estate to the amount of five thousand dollars, and to sell and convey and otherwise dispose of the same, under such by-laws, rules, and regulations as by said lodge may be provided or adopted: *Provided*, that such by-laws, rules, and regulations be not repugnant to the constitution and laws of this state or of the United States. Said corporate body, by the name aforesaid, shall be competent to

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contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places whatever, and have and use a common seal, and change or alter the same at pleasure: *Provided*, that the powers hereby granted shall not be used for any other purpose not herein expressly granted.

§ 2. The right of the general assembly to alter or amend this charter is hereby reserved.

Approved March 1, 1854.

CHAPTER 326.

AN ACT to change the time of holding the Quarterly Court for Estill county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the spring term of the quarterly court for Estill county shall hereafter be held on the fourth Monday in March, instead of the first Monday in April, as now required by law. This act shall be in force from and after the passage thereof.

Approved March 1, 1854.

CHAPTER 327.

AN ACT for the benefit of William C. Dyson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William C. Dyson be and he is hereby authorized to vend and peddle dry goods, wares, and merchandise throughout the state without paying for a license to do so.

Approved March 1, 1854.

CHAPTER 328.

AN ACT for the benefit of the Covington Locomotive and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Covington Locomotive and Manufacturing Company, by a vote of the directors of said company, may increase the capital stock thereof to any amount not exceeding seven hundred and fifty thousand dollars.

Approved March 1, 1854.

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CHAPTER 329.

AN ACT to amend an act to incorporate the Paducah Marine Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to incorporate the Paducah Marine Railways Company, approved January 14, 1854, be so amended as to add the names of D. A. Given and J. E. Murray to the list of corporators with the same powers and privileges, and to perform the same duties, as prescribed in the act to which this is an amendment.

Approved March 1, 1854.

CHAPTER 330.

AN ACT to change the place of voting in justices' and election district No. 4, in Jessamine county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the voting place of justices' and election district No. 4, in Jessamine county, be and the same is hereby changed from Lee's shop to James Hill's mill in said district.

Approved March 1, 1854.

CHAPTER 332.

AN ACT authorizing the Owen County Court to change the State road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Owen county be and the same is hereby authorized and empowered, upon proper application being made to it for that purpose, to cause alterations to be made in the state road leading from Owenton to New Liberty in said county, and cause all necessary orders to be made and steps taken for the establishment of the same; *Provided however,* the said court shall be satisfied that said alterations will not result to the injury of the community.

Approved March 1, 1854.

CHAPTER 333.

AN ACT to change the line between the Walnut Flat and Stanford voting precincts in Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the line between the Stanford and Walnut Flat precincts, in Lincoln county, be so changed as to include the residence of John Edwards in the Stanford precinct.

Approved March 1, 1854.

CHAPTER 334.

1854.

AN ACT for the benefit of Jesse H. Reno, John L. Williams, and Alexander Norris.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings had in the Muhlenburg county court, ordering a writ of *ad quod damnum*, and granting to Jesse H. Reno, John L. Williams, and Alexander Norris the privilege of erecting a mill and constructing a dam across Pond river, near Duke's Ford, is hereby declared regular and legal, any law declaring said stream navigable notwithstanding: *Provided*, said Reno, Williams, and Norris do not construct said dam higher than ten feet.
Approved March 1, 1854.

CHAPTER 335.

AN ACT to establish an election precinct in the county of Muhlenburg, and to regulate the voting in districts 1 and 3 in Bullitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional election precinct is hereby created and established in the county of Muhlenburg, to be known as precinct No. 6, with the following boundaries, viz: beginning on the Todd county line, on the new road leading to Skylesville, Ky., and running with said road to Hazle creek, near Hazle creek church; and with said creek to Rocky creek; and with said creek to Muddy river; and with said river to the Butler line; and thence to the Logan line; and thence to the Todd line; and thence to the beginning. That the voting place shall be at Winston's Mill, and elections in said precinct shall in every respect be held and conducted as in other election precincts and places of voting in said county: *Provided*, that in elections of justices of the peace and constables, that they vote in districts Nos. 4 and 5 as before provided for.

§ 2. That it shall be lawful for the citizens of districts Nos. 1 and 3, in the county of Bullitt, to vote at either of the voting places in their respective districts.

Approved March 1, 1854.

CHAPTER 336.

AN ACT to amend the charter of the Augusta, Cynthiana, and Georgetown Turnpike Road Company.

WHEREAS, some nine miles of the road leading from Augusta towards Georgetown has been constructed and travel put thereon; and whereas, the said company are indebted some three thousand dollars for the construction of the same; and whereas, the people of Bracken are anxious to extend the said road on to the Harrison county line, but do not desire to have their subscription liable to

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the payment of the indebtedness created by said company in the construction of so much of said road as aforesaid. Now therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charter of the Augusta, Cynthiana, and Georgetown Turnpike Road Company be so amended as to exempt from all liability the subscription and revenue subscribed to and arising from so much of said turnpike road as may be built from Brooksville to the Harrison county line; and that the tolls and revenue that arises from the road from Augusta to Brooksville be for the benefit of so much of said road; and that the tolls and revenue arising upon the road beyond Brooksville be for the benefit of that branch of the road.

Approved March 1, 1854.

CHAPTER 337.

AN ACT to amend the charter of the Lexington and Danville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the president and directors of the Lexington and Danville Railroad Company shall be authorized to issue the bonds of said company, for any sum necessary to complete said road and equip the same, bearing an interest not exceeding seven per cent., payable half yearly, and principal and interest payable at any place in the United States that may be designated in the bonds; and to secure the payment of the principal and interest of said bonds by a mortgage or deed of trust upon the property, rights, and franchises of said corporation, with a power of sale upon a default in payment of the principal or interest, which bonds they may sell at such price or rate as they may agree.

Approved March 1, 1854.

CHAPTER 338.

AN ACT for the benefit of the heirs of Christopher Schnell, deceased.

WHEREAS, it is represented that Christopher Schnell, a naturalized foreigner, departed this life in the year 1832, leaving some real estate in this commonwealth, which he devised to his relations, who are aliens, and who desire the privilege of holding and enjoying said property. Wherefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the heirs and devisees of Christopher Schnell, deceased, and their legal heirs and representatives, be and they are hereby made capable in law

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of taking and inheriting the property of said Christopher Johnell as fully as though they were citizens at the time said Christopher died.

§ 2. That the commonwealth of Kentucky hereby relinquishes unto the said heirs and devisees of said Christopher all the right, title, and claim which it has by reason of any forfeiture to the said commonwealth; and said heirs are hereby made capable in law to institute and prosecute suit or suits in any of the courts of this state, for the purpose of investigating and settling the title of said heirs to any such estate; and for this purpose they are invested with the rights of citizens.

§ 3. This act shall be in force from and after the passage thereof.

Approved March 1, 1854.

CHAPTER 939.

AN ACT to create an additional justices' and election district, and to change the voting place in district No. 4, in Lawrence county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there be and there is hereby created an additional election and justices' district in Lawrence county, within the following boundaries: Beginning at the first forks of Bell's trace, above Jesse Keye's house; then up the fork ridge and with the same to the dividing ridge between Cat fork and the Dry fork of Little Sandy; then with said last mentioned ridge to the head of Dry fork; then with the ridge between Dry fork and Cherokee, to the head of Little fork of Little Sandy; then with the ridge between Little fork and the waters of Big Blain to the Morgan county line, and where the same intersects the Carter county line; then with the Carter county line to the beginning.

§ 2. That all justices and constables residing within said district, and whose term of office has not yet expired, shall continue in their said offices, and discharge the duties of the same until the next annual election; and all elections which may hereafter take place in said district shall be held at the house of James Boothe, on Little fork in said district.

§ 3. That the place of voting in district No. 3, in said county, shall be at the house of John Cooksey, in said county.

Approved March 1, 1854.

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CHAPTER 340.

AN ACT to incorporate the Kentucky Coal Mining Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That David T. Monsarrat, Oliver L. Harrison, and Walter W. Stapp, their associates, successors, and assigns, be and they are hereby constituted a body corporate and politic, by the name and style of the Kentucky Coal Mining Company; and by that name and style shall have perpetual succession, with power to contract and be contracted with, sue and be sued in that name in all courts and places; to have a common seal; to engage in the mining of coal, salt, iron, and all other minerals, and in the manufacture of salt, iron, lime, and all other products of lands now owned or which may hereafter be owned by them on or near the waters of Trade Water creek, in this state; and in the manufacture of all other articles and commodities whatsoever; and in the transportation of the same, or any portion thereof, to home and foreign markets; to hold their meetings within or without the state; and to have all powers deemed by them needful for the successful prosecution of their business, and for the execution of the powers herein granted.

§ 2. That said corporators may organize said company by the appointment of a president and such other officers and managers as they may deem necessary, at such time and place as they may designate, by notice previously given. And when thus organized, the said company shall have power to make such by-laws, rules, and regulations as they may deem necessary, from time to time, for the government, management, and prosecution of the business of said company.

§ 3. That the capital stock of said company shall be three hundred thousand dollars; and said company shall have power to increase the same from time to time.

§ 4. That said company may buy, build and own boats for the carrying on of their business, and may dispose of their property, or any portion of it, by sale or otherwise. They may receive real estate in payment of such part of the subscription as they may deem advisable, and shall have the right to hold, either by purchase or otherwise, such real estate, mining rights, and rights of way as may be thought necessary by them for the successful prosecution of their business, and the same, or any portion thereof, to sell or otherwise dispose of, as the interests of the company may require.

§ 5. That it shall be lawful for the president and managers of said company, from time to time, and at all times, to borrow or obtain on loans such sums of money and on such terms as they may deem expedient, for the use of said company, and to pledge or mortgage all or any part of the estates, improvements, privileges, effects, and assets whatsoever of the said company for the repayment of

Style of incorporation.

Powers of the corporation.

Officers to be chosen and laws enacted for government.

Capital stock.

In what the corporation may engage.

May borrow money, &c.

1854.

What privi-
leges they may
enjoy.

aid sums of money so borrowed, at such times as may be agreed upon.

§ 6. That said company shall possess and enjoy all powers, rights, and privileges heretofore conferred by law in this state upon any other company chartered for similar purposes.

§ 7. That the right to repeal, alter, or amend this charter is reserved to the state after the year eighteen hundred and ninety.

§ 8. That this act shall take effect from and after its passage.

Approved March 1, 1854.

CHAPTER 341.

AN ACT to provide for the rebuilding the court house and clerks' offices in Daviess county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Daviess county, at their April term, 1854, a majority of all the justices being present and concurring, shall be and they are hereby authorized and empowered to assess and levy an additional capitation or poll tax upon each tithe, not exceeding one dollar per head, and an *ad valorem* tax not exceeding fifteen cents on the one hundred dollars worth of all the property in said county now subject to taxation for state revenue, for the purpose of raising the means necessary to rebuild the court house and clerks' offices in the town of Owensboro; which taxes, when so assessed, shall be collectable in the year 1854, and accounted for to the said county court on or before the second Monday in December, 1854; and if the taxes thus levied shall be insufficient to complete said public buildings, the said county court shall, at their April term, 1855, have power to assess and levy a similar capitation and *ad valorem* tax for 1855, collectable and payable in like manner by the second Monday in December, 1855.

§ 2. That it shall be the duty of the county court judge to summon all the justices of the peace in the county of Daviess to attend at the April term, 1854; and should they from any cause fail to attend, the said county judge shall continue the term of said court from day to day until the attendance of said justices can be had, or a majority of them: *Provided*, that should the county of McLean be formed, the taxes contemplated by this act shall not be assessed or collected of persons in the bounds of said county of McLean stricken off of Daviess.

Approved March 1, 1854.

1854.

CHAPTER 343.

AN ACT for the benefit of the Sheriff of Livingston county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of two years be and the same is hereby allowed the sheriff of Livingston county to collect the fees of office now due him as sheriff aforesaid.

Approved March 1, 1854.

CHAPTER 344.

AN ACT to amend the 33d section of the charter of the Lebanon, Newmarket, and Springfield Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the 33d section of an act incorporating the Lebanon, Newmarket, and Springfield Turnpike Road Company, as permits persons to pass with wagons, and other vehicles, going to mill, to pass free of toll, be and the same is hereby repealed.

§ 2. That hereafter all such persons with wagons and other vehicles of any description, traveling upon said road, shall be subject to the usual rates of toll charged and collected from the like description of vehicles: *Provided,* that the toll is only to be charged upon said wagons and other vehicles when they pass through to but not on their return from mill.

Approved March 1, 1854.

CHAPTER 345.

AN ACT to incorporate the Maxville Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be and the same is hereby incorporated to construct a turnpike road from Maxville, in Washington county, to some point on the Springfield and Bloomfield turnpike, between the late residence of Godfrey Gregory and Noah Reed's branch, called Buck run, by the name and style of the Maxville Turnpike Company, and by that name and style may sue and be sued, contract and be contracted with, plead and be impleaded, and have and use a common seal, and alter and amend or renew the same at pleasure.

§ 2. That the capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each, and each share shall entitle the holder to one vote in all meetings of the stockholders.

§ 3. That Stephen C. Brown, Peter Goatly, Milton Rogers, Daniel McIlvoy, Samuel Peters, and John Smith are hereby appointed commissioners, whose duty it shall be

Style of Incorporation.

Capital stock, and how divided.

Commissioners appointed, their duties, &c.

1854.

to open books for the subscription of stock at such places and times as any three of them may deem expedient; and they may appoint one or more agents to solicit subscriptions; and so soon as ten thousand dollars shall be subscribed by individuals and companies, they shall give ten days notice of the time and place of the meeting of the stockholders, for the purpose of electing a president and four managers for said company; and the management of the financial and prudential concerns of said company shall be confided to said president and managers, and their successors to be elected annually, at such time and place as the by-laws of said company shall direct.

§ 4. That said road shall be opened not less than forty feet wide, and shall be graded at an elevation not exceeding three degrees; and said turnpike shall be macadamized or gravelled not less than eighteen feet in width; and when the road shall be completed, the president and directors shall have the right to erect toll gates thereon, and to collect toll for the travel on said road, at the same rate of tolls for each five miles of said road as the Springfield and Bloomfield turnpike road is authorized to collect by their charter, and at that rate for a longer or shorter distance; and the general provisions of the charter of the Springfield and Bloomfield turnpike company shall apply to the company hereby created, and are made part hereof; except so much thereof as may be inconsistent with the provisions of this act, subject to the same limitations and restrictions, and with the same benefit and advantage, in all respects; and this company shall have five years from the passage of this charter to complete the road; and said company shall have the right to erect a toll gate whenever five miles of said road is completed.

Description of road.

Toll gates may be erected, and when.

Approved March 1, 1854.

CHAPTER 346.

AN ACT to amend the laws incorporating the town of Eddyville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all the lands lying between the present boundary of the town of Eddyville and low water mark on the Cumberland river, be and the same are hereby added to and declared to be within the corporate limits of said town; and the jurisdiction of the trustees of said town shall extend to the southern bank of said river in front of the town: *Provided,* the tan yard lot and buildings thereon belonging to William Henry, is hereby exempted from the corporate powers of said town, and shall not be considered as a part thereof.

Extent of corporate limits.

§ 2. The trustees of said town shall possess all the powers and authority conferred on trustees of towns by the

Powers possessed by the trustees.

1854.

Trustees may
cause improve-
ments to be
made.

Police judge
and marshal to
be elected.

100th chapter of the Revised Statutes, and shall be subject to all the provisions thereof; and shall possess all powers necessary to compel the owners of lots in said town to grade and pave side-walks in front of their own lots, of such width and with such materials as may to them seem best. If, after reasonable notice of at least one month, the owners of said lot or lots shall fail or refuse to so grade and pave the side-walks in front thereof, the trustees may have the work done at the expense of the owner or owners, and the lots shall be held responsible therefor, and if payment be delayed longer than six months after the work is done, the same may be sold by the town collector, or town warden or marshal, at the direction of the board of trustees. Said sale shall be at the court house door in said town, on a court day, and the first day of a term, on a credit of twelve months—twenty days notice having been duly posted thereof, on the court house door, and at such other places as the board of trustees may direct. They shall have power to cause the side-walks in front of non-residents' lots in said town to be graded and paved, and the expense thereof shall be a tax upon said lots for which they may be sold in the same manner that residents' lots may be sold: *Provided*, that resident owners may have one year after sale for redemption, and non-resident owners three years, by paying ten per cent. interest per annum on the amount of debt, interests, and costs, and the debt itself. All conveyances of real estate under sales made by virtue of this act, shall be made by the trustees of said town, under their corporate seal. They shall possess all powers now conferred upon them by law in reference to coffee houses in said town.

§ 3. A police judge and town marshal may be elected for said town, by the qualified voters thereof, at the time and in the manner that trustees are directed to be elected: *Provided*, that said election shall be ordered by the board of trustees at least twenty days before the time of holding the same. When elected, said police judge and town marshal shall possess all the powers and be subject to all the rules prescribed in the thirteenth, fourteenth, fifteenth, sixteenth, and seventeenth sections of an act, entitled, an act to amend and reduce into one the several acts relating to the town of Glasgow, approved January 7, 1852.

§ 4. This act shall take effect from its passage.

Approved March 1, 1854.

CHAPTER 347.

AN ACT to amend the several acts incorporating the town of Brooksville, in Bracken county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Brooksville, Bracken county, Kentucky, as laid off and which is described by

1854.

Corporate limits of the town.

An act approved February 25, 1848, shall be known and is hereby declared to be the extent and limits of said town, which is bounded as follows, to-wit: beginning at a white oak at the end of Powell street, standing in the line of John Thomson and Joel Woodward, twenty-three poles from the Bullskin road; thence north twenty-eight and one half degrees west, forty-eight poles, to a stake near a large spring; thence north sixty-one degrees east, seventy-one poles, to a stake; thence south forty-one degrees forty-eight minutes east, one hundred and fifty poles, to a stake near a grave-yard; thence south sixty-one and one half degrees west, one hundred and thirty-three poles, to a stake; thence north fifty-five and one half degrees west, sixty-six and one half poles, to a stake, corner to Linn and Tarlton, on said Joel Woodward's line; thence on said line north thirty-five and three-fourth degrees east, twenty-four poles, to a white oak stump, near a tan-yard; thence up a small drain, with said Woodward's line, north twelve degrees east, fifteen poles, north twenty-four degrees east, twelve poles, north forty-three degrees east, twenty-one poles, to the beginning.

§ 2. That hereafter the fiscal, prudential, and municipal concerns of said town shall be vested in four trustees, and a police judge, who, by virtue of his office, shall be chairman of the board of trustees, who, together with a town marshal, shall be annually elected on the first Saturday in April; by the free white male inhabitants over the age of twenty-one years, who shall have resided in said town three months previous to said election, and are qualified voters by the laws of the state.

Fiscal affairs vested in whom.

§ 3. That the police judge, trustees, and town marshal shall hold their respective offices for the term of one year and until their successors shall be elected and qualified, who, before entering upon the duties of their office, shall take an oath before some legally authorized officer, that they will support the constitution, and faithfully and without favor or affection to any one, discharge the duties of their office during their continuance in office.

Term of office of the police judge and marshal.

§ 4. That no person shall hold the office of police judge, trustees, or marshal who is not, at the time of holding the same, a citizen of said town, and who has not resided therein at least six months previous to his or their election.

Who shall be eligible.

§ 5. That said police judge and trustees, and their successors in office, shall be a body politic and corporate, and shall be known by the name and style of "The Board of Trustees of the town of Brooksville," and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended in all courts and places; and may use either a common or private seal, and do all other acts, matters, and things which a body politic and corporate,

Style of incorporation.

1854.

Trustees, their
powers, &c.

having perpetual succession, can lawfully and rightfully do, within the limits of the powers herein granted.

§ 6. That the said board of trustees shall have power to make and receive all necessary conveyances in relation to said town; they shall have power over the streets, alleys, and side-walks now in said town or which may hereafter be opened; may direct the improvement of the same in such manner as they may deem most beneficial to the interest of said town; they shall have power and authority to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the constitution and laws of the state; they shall have power to levy and collect a poll-tax not exceeding annually one dollar and fifty cents on each titheable, and also an *ad valorem* tax on the property of the citizens of said town, both real, personal, and mixed, including everything now taxed for revenue by the laws of this state, not exceeding annually fifty cents on each hundred dollars worth; they shall have power to tax auction sales, shows, concerts, and exhibitions for money, when held within the town or within one mile thereof; also taverns, tippling houses, stud horses, and jacks, in any sum not exceeding fifteen dollars; they shall have power to declare what are nuisances within said town, and by their order direct the same to be abated and removed, and may impose a fine on whomsoever may have caused the same; they shall have power to provide for the security of the town against fire, by organizing one or more fire companies, defining their duties, and punishing by adequate penalties those who fail to perform the duties required of them; they shall have power to regulate the markets, and appoint a market master; they shall have power to appoint a coal and wood measurer, defining his duties and fixing his fees; they shall have power to purchase and receive conveyances for any quantity of ground, either within or without the limits of said town, not exceeding ten acres, for a cemetery, or to erect a poor or work house thereon, and may ordain and declare the rules and regulations for the government of the same, and to appoint all necessary officers thereof, with such compensation as said trustees may direct; and they shall have power to erect or engage a house as a watch house, for the confinement of all persons violating the ordinances of said town, and for crimes and misdemeanors committed which can be punished by confinement in the county jail by the laws of the state.

Officers to be
appointed.

§ 7. That it shall be the duty of said trustees annually, (after their election,) to appoint a clerk, treasurer, and collector, and such other officers as they may deem necessary, and take from them bond with approved security, payable to the board of trustees of the town of Brooksville, in such penalty as they may direct, conditioned for the faithful discharge of their duties; and for a violation thereof on the

1854.

part of either of said officers, motions may be made or suits brought before any tribunal having jurisdiction, in the same manner and under the same rules and regulations that motions are made or suits brought against other officers for failure of duty; and the said trustees shall have the power to remove either of them for failure to do their duty, and to appoint others in their places.

§ 8. That it shall be the duty of the clerk to keep a record of the proceedings of said trustees; to draw all orders on the treasurer for the payment of money, when ordered by said trustees, and to issue license for shows, exhibitions, &c., when the treasurer's receipt is presented to him for the amount of the tax, and do all other acts which the trustees may legally require of him.

Record of proceedings to be kept.

§ 9. That it shall be the duty of the treasurer to receive and keep all moneys belonging to said town, subject at any time to the order of the trustees, and pay the same out on the order of the trustees, attested by their clerk, and to render an account to said trustees when by them required so to do.

Duty of the treasurer.

§ 10. That it shall be the duty of the collector to collect all taxes which may be placed in his hands, and pay the same over to the treasurer, and to make out and return to the trustees, within four months after the list shall have been placed in his hands for collection, a report of the amount collected, and the names of the delinquents, and the amount due from each; whereupon the said board of trustees shall have the power, and it shall be their duty, to make an order commanding and requiring the collector to levy upon so much of the delinquent's property, either personal or real, or both, as may be sufficient to pay and satisfy the amount of the tax and cost that may be due, and in pursuance of which order the collector shall make the said levy, and after having advertised the said property for sale, at three places in said town, for at least fifteen days, shall thereupon proceed to sell at some public place so much as may be necessary to pay the tax and cost due thereon, to the highest and best bidder, to whom the said collector shall give a certificate of his purchase, upon his paying the amount bid, which certificate shall entitle the purchaser, his heirs or assigns, to demand from and receive of the board of trustees a deed of conveyance of the property described in said certificate, (warranting alone against themselves) at any time after twelve months from the time of sale, unless the owner or owners thereof shall have redeemed the same by paying or tendering to the purchaser, and giving notice to the said trustees of the payment or tender of the amount of said purchase money and cost, with one hundred per cent. thereon, and the purchaser in all cases paying the expense of making the conveyance; and the trustees shall have a lien on all property in said town, both real and personal, for the tax; and the collec-

Duty of collector.

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tor shall have the power to levy on and sell personal property for tax without an order of the trustees, and prior to the time appointed for him to return his delinquent list: *Provided however*, that non-residents of the county shall have two years to redeem in, under the same regulations above provided for others, with the addition of one hundred per cent. more if not redeemed in the first year: *And provided further*, that infants, *femes covert*, idiots, and lunatics may redeem their property within three years after their several disabilities shall have ceased, by paying the amount of tax and costs, and fifty per cent. per annum from the time of sale.

§ 11. That it shall be lawful for said trustees to enter up an order directing the citizens of said town, or any portion thereof, to pave a foot-walk in front of their houses and lots, of such width and kind as they may direct, a copy of which order shall be delivered to the owner, his agent, or the person in possession of the property, by the marshal; and it shall be lawful for said trustees upon the failure of any citizen or citizens of said town, or owner of property in said town, for three months after service of said order, to pave said foot-walk, to have the same done, and the property in front of which said foot-walk is made shall be responsible for the expense, and may be sold in the same manner as is provided in section ten for sale of property for tax.

Police judge.

§ 12. That immediately after the election in each year, the clerk of the trustees shall make out and certify to the governor of the state the name of the person who has received the highest number of votes for police judge, which shall be sworn to before some judge or justice of the peace, and certified by him, whereupon the governor shall cause a commission to be issued to him as "Police Judge of the town of Brooksville," for one year and until his successor is duly qualified. The said police judge shall have jurisdiction of all offenses arising under the by-laws and ordinances of said town, and shall have power to issue warrants, enter judgments, and award execution, and issue process for witnesses, and compulsory process when they fail to attend. He shall have jurisdiction within the limits of said town of all causes, civil and criminal, in which justices of the peace have jurisdiction, and as a court of inquiry in criminal cases he shall have the jurisdiction of two justices. He shall have power to fine and imprison for contempt, not exceeding five dollars fine or ten days imprisonment. He shall have power to order a jury to be summoned in any case cognizable before him where a jury would be required, before a circuit court, or a justice of the peace. He shall have concurrent jurisdiction in civil and criminal cases with justices of the peace in the county of Bracken, and for the due and efficient exercise of the power herein and hereby vested in him, he shall have power to award process and issue writs as may be necessary to en-

What his powers, &c.

1854.

For the due administration of right and justice, and for the lawful exercise of his jurisdiction agreeable to the usages and principles of law. It shall be the duty of said police judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace; and either party shall have the right of appeal from all judgments rendered by said judge, in the same manner as appeals from justices of the peace in similar cases; and the said judge shall hold his court for the trial of civil causes quarterly, at such times as he may designate.

§ 13. That it shall be the duty of the marshal to serve notices, &c., and all process and precepts to him directed from the said police judge or justices of the peace, and make due return thereof; and he shall collect all executions and other demands, which may be put in his hands to collect, and pay the same over to whom may be entitled thereunto, under the same rules and regulations required by law of constables in the collection of executions and other demands. The said marshal shall execute bond, payable to the commonwealth of Kentucky, in such sum as the trustees may require, for the faithful and legal performance of his duties, and also take the oath required of sheriffs.

Duties and powers of marshal.

§ 14. That all fines and forfeitures, for the breach of any by-law or ordinance of the town, or for the violation of any penal law committed within the limits of said town, shall be paid over to the treasurer for the use and benefit of said town, and shall be for the use and benefit of said town, any law to the contrary notwithstanding.

What disposition to be made of fines.

§ 15. That the police judge shall be entitled to charge and collect the following fees, to-wit: For issuing a warrant in a civil case, twenty-five cents; for a peace warrant for a riot, rout, breach of the peace, or unlawful assembly, fifty cents; for a warrant for a violation of a by-law or ordinance of said town, when the trustees are plaintiffs, twenty-five cents; for swearing a jury and presiding over a trial in any case, except forcible entry and detainer, fifty cents; for taking a recognizance to keep the peace, fifty cents, to be charged to the applicant; and for any other services the same fees as allowed to justices of the peace for similar services.

Fees of police judge.

§ 16. That the fees of the marshal shall be the same as are allowed to constables.

Fees of marshal

§ 17. That the collector shall be entitled to the same fees as sheriffs for similar services.

§ 18. That previous to each annual election, the trustees shall appoint three suitable persons to hold said election, who shall on the first Saturday in April, at two o'clock, P. M., open the polls for the election of the officers provided for in this charter, and keep the same open until five o'clock, P. M., and shall return under oath to the clerk of

Elections, when to be held.

1854.Exempt from
road law:

said trustees a just and true list of all the votes cast, immediately after the close of the polls.

§ 19. That the citizens of said town, and the property thereof, shall be exempt from the operation of the road law.

§ 20. That all general laws applicable to towns, not inconsistent with this charter, shall be applicable to the town of Brooksville, and the trustees shall have power to pass any by-laws to enforce their provisions.

§ 21. That all the provisions of the former charter of the town of Brooksville conflicting with this are hereby repealed.

§ 22. That this charter shall go into effect on the first of April, 1854.

§ 23. That the legislature reserves the right to repeal, alter or amend this act at pleasure.

Approved March 1, 1854.

CHAPTER 348.

AN ACT to authorize the county of Boyle to liquidate and retire her bonds issued to the Lexington and Danville Railroad Company.

Property of
levying tax to
be submitted to
the people.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Boyle county may, on a day to be by it appointed, cause a vote of the people of the county to be taken at the several election precincts in the county, upon the question whether or not the county court shall levy a tax on the property, both real and personal in said county, as hereinafter specified, for not less than three nor more than five successive years, to pay off and discharge the principal of the bonds of said county issued to the Lexington and Danville Railroad Company.

Time of elec-
tion, by whom
to be fixed, &c.

§ 2. That when the county court shall fix the day for taking any such vote as is above provided for, it shall appoint the judges and other officers necessary to conduct the election, which shall be held in all respects like the election for state officers, and be subject to the same regulations and provisions, and the return thereof shall be made to the clerk of the county court within ten days after the same shall be held.

§ 3. That at the next term, the court shall order the vote for and against the tax to be entered on its record; and if a majority of the votes cast shall be in favor of levying the tax, the court shall make the levy, at such rate per cent. as will produce by the tax levied the due proportion for one year of the amount of the bonds of the county subscribed to said railroad company, and to defray expenses of collection, and levy the said tax as many successive years as may be prescribed in the order for the vote, and

1854.

until the said bonds are paid and retired, or a sufficient sum raised to pay and discharge the same.

§ 4. That the tax authorized to be levied by this act shall be levied on the property, both real and personal, as listed for state purposes, which shall lie or be most usually kept in said county, including the amount given in under the equalization law.

What property to be taxed.

§ 5. That if a majority of the votes cast shall be in favor of said tax, and the same shall be levied, it shall be the duty of the county court to appoint three persons, who shall be called the board of commissioners of the sinking fund of Boyle county; one of said commissioners shall hold his office for one year, another for two years, and another for three years, the term of each to be decided by lot; and annually, after the first election, the county court shall appoint a commissioner to fill the place of the one whose term shall expire, and such commissioner shall serve for three years and until his successor shall be appointed; vacancies in the board shall be filled by the county court. It shall be the duty of said commissioners of the sinking fund of Boyle county to receive and safely keep all moneys collected under this act, and apply the same sacredly and faithfully to the payment of the bonds of Boyle county, issued to the Lexington and Danville Railroad Company, discharging and retiring said county bonds, on the most reasonable and advantageous terms to the county, and in no case paying more than the par value of said bonds. The said commissioners, or their treasurer under the direction of the board, shall have power to purchase in and retire said bonds at such rate under par as they may negotiate with the holders thereof, and as soon thereafter as practicable present the same to the county court; and after recording the number, date, and amount of the same, and the rate at which the same was retired, cancel and file the same, with the coupons attached, with the records of the office.

§ 6. That said commissioners shall annually appoint one of their number treasurer; and such treasurer, before he receives any money under the provisions of this act, shall execute bond with security, to be approved of by the county court, payable to the county of Boyle, conditioned to account for all funds, money, obligations, and property of every kind, which shall come to his hands as such, whenever required by said board to do so, and faithfully to apply and pay over the same, as by the said board of commissioners he may be directed from time to time—upon which bond suit may be instituted in the name of the county, at the instance and for the use of said board of commissioners; and said treasurer shall be allowed for his services not exceeding one per cent. of all moneys which he shall receive, pay over, and apply as provided by this act.

Treasurer to be appointed.

What allowed for services.

1854.

Sheriff to collect the tax as other taxes.

Collector may be appointed under certain contingencies.

§ 7. That the sheriffs of said county shall collect all the taxes to be collected under the authority of this act, and for that purpose shall have the same power of distraining, advertising, and selling personal estate and slaves which he may have in the collection of the state revenue; and when unable to find personal estate or slaves liable to the tax of any individual, he may levy on his real estate, and sell the same under the rules and regulations prescribed for the sale of real estate under execution. It shall be the duty of the county court of said county to require the sheriff of said county to execute bond, with good security, in a penalty double the amount of the tax to be levied in each year, payable to the commonwealth, conditioned faithfully to pay over to said treasurer all sums of money which he may or should collect, and with such other conditions as said board may desire; and he shall collect the same in each year that the same is levied, and pay it over to the treasurer of said board from time to time as he shall collect the same; and he shall pay over the whole amount of taxes which he may or should have collected in each year on or before the 30th day of December of the year in which the same shall be levied, under the same penalties for failure as are prescribed by law for failing to pay over the state revenue; and in case of failure, the amount which ought to have been paid, with all interest and penalties, may be recovered against him and his sureties by suit on his bond, in the name of the commonwealth, at the instance and for the use of said board. If the sheriff shall fail or refuse, when required, to execute bond as above provided, said county court shall appoint a collector, who shall give bond and be authorized and required to collect and pay over said taxes as though he were sheriff, according to the same regulations and requirements, and subject to the same penalties and suits. The sheriff or collector shall take duplicate receipts of the amounts paid to said treasurer, one of which he shall file with the county court clerk. He shall be allowed for his services two per cent. on all sums collected by him and paid over. The sheriff's or collector's receipts for tax paid may be assigned, and whenever the amount of fifty dollars is produced to said company, it shall issue a certificate of stock therefor, and also for one half and one fourth shares, upon the production of receipts for that amount of tax paid—the said county court surrendering to the Lexington and Danville railroad company so much of the stock held by said county as said company may issue stock to tax payers under the provisions of this section. The sheriff or collector shall return to the county court, at the December court each year, a list of delinquents, as in the case of the state revenue, which list may be re-listed with him or his successor in each year, for collection, in the same way as when originally listed.

1854.

How funds to be applied.

§ 8. That in case said board of commissioners shall at any time be unable to purchase in the bonds of the county at par, with funds that may at any time be on hand, they are authorized and empowered to loan the same out at interest for such period of time as they may think best, or may from time to time vest said funds in stocks and such other securities as they may think proper, and such stocks and other securities may sell and dispose of at pleasure.

§ 9. That the said sinking fund commissioners shall keep record of all their proceedings and doings; and their treasurers shall keep strict accounts of all moneys which shall be received or paid over by him, and of all bonds purchased in by the board, and all the transactions thereof, and shall annually, before the expiration of his term, settle the same in the Boyle county court.

Approved March 1, 1854.

CHAPTER 349.

AN ACT to amend an act, entitled, an act to amend and reduce into one the several acts concerning the town of Owensboro'.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the election of marshal for the town of Owensboro' shall be held on the same day, at the same time, and at the same place that the election of trustees for said town are held, and he shall hold his office for one year and until his successor is elected and duly qualified; and before he shall enter upon the discharge of any of the duties of his office, he shall execute a bond with approved security, as required in the eighth section of the act to which this is an amendment, and said marshal shall also, before he enters on the discharge of any of the duties of his office, execute bond in the county court for the same amount and in like manner that constables are required to execute bond, for the faithful collection and paying over all moneys to the persons properly authorized to receive the same.

When marshal to be elected.

Duties of the marshal.

§ 2. That the board of trustees for the town of Owensboro' shall have power to appoint a collector of tax for said town, who, before he enters upon the duties of his office, shall execute bond to the board of trustees in the same manner that the marshal is required to do; and the collector shall have the same power that the marshal has by this act, to levy and distrain for taxes; and if any person shall fail or refuse to pay the tax legally assessed on any real estate or personal estate within said town, or any poll tax, the marshal or the collector shall have full power to levy or distrain for said tax, on either personal or real estate; and if said marshal or the collector shall levy on real estate, he shall advertise the same for at least four weeks in some newspaper printed in the town of Owens-

Trustees appoint collector of tax.

May distrain for tax.

1854.

Property sold
may be redeem-
ed.

boro', if there be one; if there be none he shall then advertise by written notice in four of the most public places in said town, the property and name or names of the owner or owners, and the amount of taxes due thereon; and if at the end of four weeks the tax and costs of advertising is not paid, then the marshal or the collector shall sell so much of said real estate as shall be sufficient to pay the tax, costs, and five per cent. thereon. The sale of real estate shall always be made before the court house door, and on a county or circuit court day, and the real estate or lots so sold by the marshal or the collector shall be conveyed by deed by said marshal or collector to the purchaser of the same, which deed shall convey all the title of the owner to the purchaser of the same: *Provided*, that residents shall be allowed to redeem said real estate, lot, or part of lots at any time within one year from the day of sale, by first paying the debt, costs, interest, and such additional tax as may have accrued thereon, together with ten per cent. on the whole amount; and non-residents shall be allowed two years to redeem lots so sold, by first paying the debt, costs, interest, and such additional tax as may have accrued thereon, together with twenty per cent. on the whole amount. But if said marshal or the collector shall levy on personal estate for taxes, then he shall advertise the same by written notices posted in three or more public places in said town, for at least ten days before the sale thereof, giving the time and place of said sale.

Who exempt
from working
on roads.

§ 3. That from and after the tenth day of April, 1854, all the persons living in the bounds of the town of Owensboro' shall be exempt from working on any road in the county of Daviess, and in lieu thereof each and every white male and each male slave or free negro over the age of sixteen years shall be assessed and shall pay one dollar each, which shall be collected by the collector and paid into the town treasury, and the same shall be expended by the trustees in improving the streets of said town.

Tax may be
levied and col-
lected.

§ 4. That the board of trustees for the town of Owensboro' shall have power to levy an additional *ad valorem* tax of ten cents upon every one hundred dollars worth of real and personal estate in said town, which tax, when laid, shall be collected and paid over to the treasurer, in the same manner that other taxes are directed to be collected and paid over.

Poor house
may be erected.

§ 5. That the board of trustees shall have authority to purchase any quantity of ground, not exceeding four acres, within the town, or within one-half mile of said town, upon which they may erect suitable buildings for the comfort of the poor of said town; and the board of trustees shall have power to appoint some fit and suitable person to superintend their poor.

Liability of the
marshal.

§ 6. For failing to pay over money collected by the marshal or collector, they and their securities, either jointly or

1854.

generally, shall be liable to a motion before the county court judge or any justice of the peace in Owensboro' upon notice of said motion in writing ten days previous, when judgment shall be rendered against said marshal or collector and their securities, for the amount collected, with twenty per cent. damages thereon, and costs.

Approved March 1, 1854.

CHAPTER 350.

AN ACT to incorporate the Franklin and Owen Turnpike Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name, style, and title of the Franklin and Owen Turnpike Road Company, for the purpose of constructing a turnpike road from Frankfort to Owenton.

Corporate name

§ 2. The capital stock of said company shall be one hundred thousand dollars; and the company aforesaid is hereby authorized to raise, by subscription, the sum aforesaid, to be divided into shares of fifty dollars each.

Capital stock.

§ 3. That the books for the subscription of stock in said company, shall be opened at any time after the passage of this act, in the city of Frankfort, under the direction of Jacob Swigert, Henry Giltner, Orlando Brown, F. H. Hodges, Benj. Long, Sr., Sam'l Steele, and Zach. Lewis, and at the town of Owenton, under the direction of John D. McClure, R. R. Revill, Thos. A. Berryman, George R. Luckner, and W. H. Sanford, or some one or more of them at each place. That such of the commissioners appointed by this act to open books for the subscription of the capital stock of said company, or such of them as may act, shall procure one or more books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, viz: "We, whose names are hereunto subscribed, do promise to pay to the president, directors, and company of the Franklin and Owen Turnpike Road Company the sum of fifty dollars for each and every share of stock in said company set opposite to our names, in such manner and proportions, and at such times, as shall be required by the president and directors of said company."

Commissioners to receive stock subscriptions.

§ 4. The books for subscription of said stock shall remain open until the whole of the capital stock shall have been taken, or enough to complete the road, and persons may subscribe at any time until the books are closed.

§ 5. So soon as two hundred shares in said company are subscribed in Franklin county, it shall be the duty of the commissioners for said county, or such of them as may act, to give notice of a meeting of the stockholders of said company in said county, to meet in the city of Frankfort,

Directors, when elected.

1854.

tor shall have the power to levy on and sell personal property for tax without an order of the trustees, and prior to the time appointed for him to return his delinquent tax. *Provided however*, that non-residents of the county shall have two years to redeem in, under the same regulations above provided for others, with the addition of one hundred per cent. more if not redeemed in the first year: *and provided further*, that infants, *femes covert*, idiots, and lunatics may redeem their property within three years after their several disabilities shall have ceased, by paying the amount of tax and costs, and fifty per cent. per annum from the time of sale.

§ 11. That it shall be lawful for said trustees to enter an order directing the citizens of said town, or any portion thereof, to pave a foot-walk in front of their houses and lots, of such width and kind as they may direct, a copy of which order shall be delivered to the owner, his agent, or the person in possession of the property, by the marshal; and it shall be lawful for said trustees upon the failure of any citizen or citizens of said town, or owner of property in said town, for three months after service of said order, to pay said foot-walk, to have the same done, and the property in front of which said foot-walk is made shall be responsible for the expense, and may be sold in the same manner as provided in section ten for sale of property for tax.

Police judge.

§ 12. That immediately after the election in each year, the clerk of the trustees shall make out and certify to the governor of the state the name of the person who has received the highest number of votes for police judge, who shall be sworn to before some judge or justice of the peace, and certified by him, whereupon the governor shall cause a commission to be issued to him as "Police Judge of the town of Brooksville," for one year and until his successor is duly qualified. The said police judge shall have jurisdiction of all offenses arising under the by-laws and ordinances of said town, and shall have power to issue warrants, enter judgments, and award execution, and issue process for witnesses, and compulsory process when they fail to attend. He shall have jurisdiction within the limits of said town of all causes, civil and criminal, in which justices of the peace have jurisdiction, and as a court of inquiry in criminal cases he shall have the jurisdiction of two justices. He shall have power to fine and imprison for contempt, not exceeding five dollars fine or ten days imprisonment. He shall have power to order a jury to be summoned in any case cognizable before him where a jury would be required, before a circuit court, or a justice of the peace. He shall have concurrent jurisdiction in civil and criminal cases with justices of the peace in the county of Bracken, and for the due and efficient exercise of the power herein and hereby vested in him, he shall have power to award process and issue writs as may be necessary to en-

What his pow.
ers, &c.

1854.

for the due administration of right and justice, and for the lawful exercise of his jurisdiction agreeable to the usages and principles of law. It shall be the duty of said police judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace; and either party shall have the right of appeal from all judgments rendered by said judge, in the same manner as appeals from justices of the peace in similar cases; and the said judge shall hold his court for the trial of civil causes quarterly, at such times as he may designate.

§ 13. That it shall be the duty of the marshal to serve notices, &c., and all process and precepts to him directed from the said police judge or justices of the peace, and make due return thereof; and he shall collect all executions and other demands, which may be put in his hands to collect, and pay the same over to whom may be entitled thereunto, under the same rules and regulations required by law of constables in the collection of executions and other demands. The said marshal shall execute bond, payable to the commonwealth of Kentucky, in such sum as the trustees may require, for the faithful and legal performance of his duties, and also take the oath required of sheriffs.

Duties and powers of marshal.

§ 14. That all fines and forfeitures, for the breach of any by-law or ordinance of the town, or for the violation of any penal law committed within the limits of said town, shall be paid over to the treasurer for the use and benefit of said town, and shall be for the use and benefit of said town, any law to the contrary notwithstanding.

What disposition to be made of fines.

§ 15. That the police judge shall be entitled to charge and collect the following fees, to-wit: For issuing a warrant in a civil case, twenty-five cents; for a peace warrant for a riot, rout, breach of the peace, or unlawful assembly, fifty cents; for a warrant for a violation of a by-law or ordinance of said town, when the trustees are plaintiffs, twenty-five cents; for swearing a jury and presiding over a trial in any case, except forcible entry and detainer, fifty cents; for taking a recognizance to keep the peace, fifty cents, to be charged to the applicant; and for any other services the same fees as allowed to justices of the peace for similar services.

Fees of police judge.

§ 16. That the fees of the marshal shall be the same as are allowed to constables.

Fees of marshal

§ 17. That the collector shall be entitled to the same fees as sheriffs for similar services.

§ 18. That previous to each annual election, the trustees shall appoint three suitable persons to hold said election, who shall on the first Saturday in April, at two o'clock, P. M., open the polls for the election of the officers provided for in this charter, and keep the same open until five o'clock, P. M., and shall return under oath to the clerk of

Elections, when to be held.

1854.Exempt from
road law:

said trustees a just and true list of all the votes cast, immediately after the close of the polls.

§ 19. That the citizens of said town, and the property thereof, shall be exempt from the operation of the said law.

§ 20. That all general laws applicable to towns, not inconsistent with this charter, shall be applicable to the town of Brooksville, and the trustees shall have power to pass any by-laws to enforce their provisions.

§ 21. That all the provisions of the former charter of the town of Brooksville conflicting with this are hereby repealed.

§ 22. That this charter shall go into effect on the first of April, 1854.

§ 23. That the legislature reserves the right to repeal, alter or amend this act at pleasure.

Approved March 1, 1854.

CHAPTER 348.

AN ACT to authorize the county of Boyle to liquidate and retire her bonds issued to the Lexington and Danville Railroad Company.

Propriety of
levying tax to
be submitted to
the people.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Boyle county may, on a day to be by it appointed, cause a vote of the people of the county to be taken at the several election precincts in the county, upon the question whether or not the county court shall levy a tax on the property, both real and personal in said county, as hereinafter specified, for not less than three nor more than five successive years, to pay off and discharge the principal of the bonds of said county issued to the Lexington and Danville Railroad Company.

Time of elec-
tion, by whom
to be fixed, &c.

§ 2. That when the county court shall fix the day for taking any such vote as is above provided for, it shall appoint the judges and other officers necessary to conduct the election, which shall be held in all respects like the election for state officers, and be subject to the same regulations and provisions, and the return thereof shall be made to the clerk of the county court within ten days after the same shall be held.

§ 3. That at the next term, the court shall order the vote for and against the tax to be entered on its record; and if a majority of the votes cast shall be in favor of levying the tax, the court shall make the levy, at such rate per cent. as will produce by the tax levied the due proportion for one year of the amount of the bonds of the county subscribed to said railroad company, and to defray expenses of collection, and levy the said tax as many successive years as may be prescribed in the order for the vote, and

until the said bonds are paid and retired, or a sufficient sum raised to pay and discharge the same.

1854.

§ 4. That the tax authorized to be levied by this act shall be levied on the property, both real and personal, as listed for state purposes, which shall lie or be most usually kept in said county, including the amount given in under the equalization law.

What property to be taxed.

§ 5. That if a majority of the votes cast shall be in favor of said tax, and the same shall be levied, it shall be the duty of the county court to appoint three persons, who shall be called the board of commissioners of the sinking fund of Boyle county; one of said commissioners shall hold his office for one year, another for two years, and another for three years, the term of each to be decided by lot; and annually, after the first election, the county court shall appoint a commissioner to fill the place of the one whose term shall expire, and such commissioner shall serve for three years and until his successor shall be appointed; vacancies in the board shall be filled by the county court. It shall be the duty of said commissioners of the sinking fund of Boyle county to receive and safely keep all moneys collected under this act, and apply the same sacredly and faithfully to the payment of the bonds of Boyle county, issued to the Lexington and Danville Railroad Company, discharging and retiring said county bonds, on the most reasonable and advantageous terms to the county, and in no case paying more than the par value of said bonds. The said commissioners, or their treasurer under the direction of the board, shall have power to purchase in and retire said bonds at such rate under par as they may negotiate with the holders thereof, and as soon thereafter as practicable present the same to the county court; and after recording the number, date, and amount of the same, and the rate at which the same was retired, cancel and file the same, with the coupons attached, with the records of the office.

§ 6. That said commissioners shall annually appoint one of their number treasurer; and such treasurer, before he receives any money under the provisions of this act, shall execute bond with security, to be approved of by the county court, payable to the county of Boyle, conditioned to account for all funds, money, obligations, and property of every kind, which shall come to his hands as such, whenever required by said board to do so, and faithfully to apply and pay over the same, as by the said board of commissioners he may be directed from time to time—upon which bond suit may be instituted in the name of the county, at the instance and for the use of said board of commissioners; and said treasurer shall be allowed for his services not exceeding one per cent. of all moneys which he shall receive, pay over, and apply as provided by this act.

Treasurer to be appointed.

What allowed for services.

1854.

Sheriff to collect the tax as other taxes.

Collector may be appointed under certain contingencies.

§ 7. That the sheriffs of said county shall collect all taxes to be collected under the authority of this act, and for that purpose shall have the same power of distraining, advertising, and selling personal estate and slaves which he may have in the collection of the state revenue; and when unable to find personal estate or slaves liable to the tax of any individual, he may levy on his real estate, and sell the same under the rules and regulations prescribed for the sale of real estate under execution. It shall be the duty of the county court of said county to require the sheriff of said county to execute bond, with good security, in a penalty double the amount of the tax to be levied in each year, payable to the commonwealth, conditioned faithfully to pay over to said treasurer all sums of money which he may or should collect, and with such other conditions as said board may desire; and he shall collect the same in each year that the same is levied, and pay it over to the treasurer of said board from time to time as he shall collect the same; and he shall pay over the whole amount of taxes which he may or should have collected in each year on or before the 30th day of December of the year in which the same shall be levied, under the same penalties for failure as are prescribed by law for failing to pay over the state revenue; and in case of failure, the amount which ought to have been paid, with all interest and penalties, may be recovered against him and his sureties by suit on his bond, in the name of the commonwealth, at the instance and for the use of said board. If the sheriff shall fail or refuse, when required, to execute bond as above provided, said county court shall appoint a collector, who shall give bond and be authorized and required to collect and pay over said taxes as though he were sheriff, according to the same regulations and requirements, and subject to the same penalties and suits. The sheriff or collector shall take duplicate receipts of the amounts paid to said treasurer, one of which he shall file with the county court clerk. He shall be allowed for his services two per cent. on all sums collected by him and paid over. The sheriff's or collector's receipts for tax paid may be assigned, and whenever the amount of fifty dollars is produced to said company, it shall issue a certificate of stock therefor, and also for one half and one fourth shares, upon the production of receipts for that amount of tax paid—the said county court surrendering to the Lexington and Danville railroad company so much of the stock held by said county as said company may issue stock to tax payers under the provisions of this section. The sheriff or collector shall return to the county court, at the December court each year, a list of delinquents, as in the case of the state revenue, which list may be re-listed with him or his successor in each year, for collection, in the same way as when originally listed.

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anner as other debts of equal amount, in the name of the president, directors, and company aforesaid.

§ 20. The commissioners appointed to receive subscriptions of stock, or any one of them, are hereby authorized to take a release of the ground and right of way from the persons through whose lands said road may pass and be constructed, and a grant of the materials that may be necessary to construct or repair said road.

May receive releases of right of way.

§ 21. The county court of Franklin county and the city corporation of the city of Frankfort, may in their corporate capacity subscribe for and hold, in such manner as may be agreed upon, any number of shares of the capital stock of said company that they may determine upon.

City of Frankfort and Franklin county may take stock.

§ 22. The corporation herein created may agree with any persons or company to receive as stock the road from Frankfort to Leestown, as far as made, at its value, if the contemplated road shall be located on that route.

§ 23. The legislature hereby reserves the right to alter, amend, or repeal this act at pleasure.

Approved March 1, 1854.

CHAPTER 351.

AN ACT for the benefit of Durham Sanders, late Sheriff of Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Durham Sanders, late sheriff of Taylor county, be permitted to return his delinquent list for the years 1850 and 1851, and that the auditor of public accounts be and he is hereby directed to settle with and credit his accounts by the same.

Approved March 1, 1854.

CHAPTER 352.

AN ACT to incorporate the Covington Institute, in the town of Springfield, in Washington county.

WHEREAS, under a mutual agreement of Hugh McElroy, Wm. Blackwell, and others, and a contract between them and Abram Covington, for the purpose of establishing an institution of learning at Springfield, Kentucky, to be conducted by said Covington, as principal, during his connection therewith, subscriptions as stock, in shares of fifty dollars each, have been made to an amount sufficient to purchase a site and erect the necessary buildings thereon for said institution. Therefore, to legalize said association, and promote its object,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said institution be known by the name of Covington Institute.

Style of the corporation.

1854.

Property sold
may be redeemed.

boro', if there be one; if there be none he shall then advertise by written notice in four of the most public places in said town, the property and name or names of the owner or owners, and the amount of taxes due thereon; and if at the end of four weeks the tax and costs of advertisement is not paid, then the marshal or the collector shall sell as much of said real estate as shall be sufficient to pay the tax, costs, and five per cent. thereon. The sale of real estate shall always be made before the court house door, and on a county or circuit court day, and the real estate or lots so sold by the marshal or the collector shall be conveyed by deed by said marshal or collector to the purchaser of the same, which deed shall convey all the title of the owner to the purchaser of the same: *Provided*, that residents shall be allowed to redeem said real estate, lot, or part of lots at any time within one year from the day of sale, by first paying the debt, costs, interest, and such additional tax as may have accrued thereon, together with ten per cent. on the whole amount; and non-residents shall be allowed two years to redeem lots so sold, by first paying the debt, costs, interest, and such additional tax as may have accrued thereon, together with twenty per cent. on the whole amount. But if said marshal or the collector shall levy on personal estate for taxes, then he shall advertise the same by written notices posted in three or more public places in said town, for at least ten days before the sale thereof, giving the time and place of said sale.

Who exempt
from working
on roads.

§ 3. That from and after the tenth day of April, 1854, all the persons living in the bounds of the town of Owensboro' shall be exempt from working on any road in the county of Daviess, and in lieu thereof each and every white male and each male slave or free negro over the age of sixteen years shall be assessed and shall pay one dollar each, which shall be collected by the collector and paid into the town treasury, and the same shall be expended by the trustees in improving the streets of said town.

Tax may be
levied and col-
lected.

§ 4. That the board of trustees for the town of Owensboro' shall have power to levy an additional *ad valorem* tax of ten cents upon every one hundred dollars worth of real and personal estate in said town, which tax, when laid, shall be collected and paid over to the treasurer, in the same manner that other taxes are directed to be collected and paid over.

Poor house
may be erected.

§ 5. That the board of trustees shall have authority to purchase any quantity of ground, not exceeding four acres, within the town, or within one-half mile of said town, upon which they may erect suitable buildings for the comfort of the poor of said town; and the board of trustees shall have power to appoint some fit and suitable person to superintend their poor.

Liability of the
marshal.

§ 6. For failing to pay over money collected by the marshal or collector, they and their securities, either jointly or

1854.

manner as other debts of equal amount, in the name of the president, directors, and company aforesaid.

§ 20. The commissioners appointed to receive subscriptions of stock, or any one of them, are hereby authorized to take a release of the ground and right of way from the persons through whose lands said road may pass and be constructed, and a grant of the materials that may be necessary to construct or repair said road.

May receive releases of right of way.

§ 21. The county court of Franklin county and the city corporation of the city of Frankfort, may in their corporate capacity subscribe for and hold, in such manner as may be agreed upon, any number of shares of the capital stock of said company that they may determine upon.

City of Frankfort and Franklin county may take stock.

§ 22. The corporation herein created may agree with any persons or company to receive as stock the road from Frankfort to Leestown, as far as made, at its value, if the contemplated road shall be located on that route.

§ 23. The legislature hereby reserves the right to alter, amend, or repeal this act at pleasure.

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Approved March 1, 1854.

CHAPTER 352.

AN ACT to incorporate the Covington Institute, in the town of Springfield, in Washington county.

WHEREAS, under a mutual agreement of Hugh McElroy, Wm. Blackwell, and others, and a contract between them and Abram Covington, for the purpose of establishing an institution of learning at Springfield, Kentucky, to be conducted by said Covington, as principal, during his connection therewith, subscriptions as stock, in shares of fifty dollars each, have been made to an amount sufficient to purchase a site and erect the necessary buildings thereon for said institution. Therefore, to legalize said association, and promote its object,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said institution be known by the name of Covington Institute.

Style of the corporation.

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for the purpose of choosing officers—said notice to be published in one or more of the newspapers published in said city, for at least ten days previous to the day fixed for said meeting—at which election at least three of the said commissioners for said county of Franklin shall be present who shall proceed to take the votes of said stockholders who shall have the right to vote in person or by proxy; each stockholder to have one vote for every share so held for a president and four directors, who shall hold their offices for one year, and until others shall be duly qualified.

Their powers
and duties.

§ 6. That said president and directors shall, before they enter upon the duties of their offices, take an oath before some judge or justice of the peace that they will faithfully and to the best of their skill and ability discharge the duties of president and directors of said company, without fear, favor, or affection, according to law; a certificate of which oath shall be filed and kept with the records and papers of said company. That upon the qualification of the president and directors, they shall appoint a treasurer and such other officers as they may deem necessary, who shall hold their offices during the pleasure of the president and directors of the said company. The said president and directors shall have power and authority to take and require of the several officers by them appointed, such bond or bonds as they may deem necessary and proper to secure a faithful discharge of the duties of their respective offices.

Corporate name
and powers.

§ 7. Upon the election and qualification of the president and directors as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name, style, and title of the Franklin and Owen Turnpike Road Company, and by the said name the said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of purchasing, taking, and holding, to them and their successors, and assigns, and of selling, transferring, and conveying in fee simple, all such lands, tenements, and estate, real and personal, as shall be deemed necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all the courts of this commonwealth, or in any other place whatever; and also to have and use a common seal, and to do all and every other matter and thing which a body politic or corporate may do.

Stock, how paid

§ 8. The said president and directors, upon their entering upon the duties of their offices, may call upon the stockholders for five dollars on each share of stock subscribed, and may, if deemed necessary, call for ten dollars

1854.

and style of the Perryville and Mitchellsburg Turnpike Road Company, for the purpose of constructing an artificial road from the south end of Middle street, of Perryville, Boyle county, lying on the east side of Chaplin, to the town of Mitchellsburg, in said county.

§ 2. The capital stock of said company shall be ten thousand dollars, to be divided into shares of fifty dollars each.

§ 3. That books for the subscription of stock in said road shall be opened in the town of Perryville, on the first Monday in May, 1854, or as soon thereafter as convenient, under the direction of J. P. Mitchell, J. W. Burton, J. L. Bolling, Jacob C. Barkley, Joseph Hopper, and John L. Bailey, or any three of them, and they may continue said books open as long as they may deem expedient.

§ 4. The subscribers to stock in said company shall enter into the following obligation: "We, whose names are hereunto subscribed, do respectively promise to pay to the president, directors, and company of the Perryville and Mitchellsburg Turnpike Road Company, fifty dollars for each share of stock set opposite our respective names, at such time, and in such proportions as said president and directors may require, after the same becomes due and payable. Witness our hands day of , 185 ;" which amounts may be collected in the proper courts.

§ 5. That so soon as four thousand dollars is subscribed to the capital stock of said company, it shall be the duty of the commissioners named in this act, or a majority of them, to give such notice, in such manner as they may think proper to designate, for the purpose of electing a president and five directors; and one vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year and until their successors are elected and qualified. The time and place for the election of president and directors, after the first election, shall be fixed by the president and directors for the time being. A majority of the directors shall be competent to transact all business.

§ 6. So soon as said company is organized, by the election of officers, the president and directors shall be a body politic and corporate, under the style aforesaid, and as such shall have perpetual succession, and all the privileges and franchises incident to like corporations; shall be capable of holding their capital stock, and the increase and profits thereof, and of taking and holding, by purchase or gift, all such lands, tenements, hereditaments, real and personal property, as may be necessary for the prosecution of their work or the objects of this corporation. They shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded in any court of law or equity in this commonwealth; also to have and use

1854.

Route of road
in Franklin.

therefor, the same shall be determined by condemnation as now provided by law in such cases.

§ 15. The said president and directors shall have power and authority to begin at the city limits of Frankfort, and to have said road surveyed, located, and opened, and have the same graded and macadamized such width and in such manner as they may determine; and to continue the same in the direction of the Owen county line, in the direction of the town of Owenton.

Same in Owen.

§ 16. The president and directors of that part of said road which lies in the county of Owen, when elected as provided in this charter, shall proceed in the same manner and have the same powers and privileges, and be subject to the same duties and restrictions as are conferred and imposed upon the president and directors of that part of the said road in Franklin county.

When toll gates
may be erected.

§ 17. That the said president, directors, and company shall have power and authority, so soon as they shall have completed, on any part of said road, five continuous miles thereof, to call on three disinterested house keepers to examine the same; and if they shall certify that said road has been made in a good and substantial manner, according to the provisions of this act, (which certificate shall be recorded in the office of the clerk of the county,) the said president and directors may cause a gate to be erected across said road, and may demand, collect, and receive the same rates of tolls and duties from all persons traveling the same with horses, cattle, or any other animals, and with carriages, wagons, sleds, and other vehicles of conveyance, that are now charged on that part of the Louisville and Frankfort turnpike road which lies in Franklin county; and as said road progresses to completion, the same charges may be made for any additional part of the said road that may be completed as aforesaid in connection with that part over which the said gate may be erected.

And receive
tolls.May hold land
for said road.

§ 18. When the said road, or any continuous five miles thereof, shall be completed, the president, directors, and company may contract for, purchase, and hold, to them and their successors, any quantity of land that may be deemed necessary for toll houses, &c.; or if necessary may have a sufficient quantity of ground for said purpose condemned under a writ of *ad quod damnum* from the county court of Franklin county, upon application by the president of the company.

Penalty for
evading
toll
gates.

§ 19. If any person liable to pay tolls on said road, at either of the gates erected in conformity with this act, shall directly or indirectly evade the same, such person or persons so offending, for every such offense, shall forfeit and pay to the president and directors the sum of twenty dollars, recoverable before any justice of the peace, in like

1854.

May receive releases of right of way.

City of Frankfort and Franklin county may take stock.

anner as other debts of equal amount, in the name of the president, directors, and company aforesaid.

§ 20. The commissioners appointed to receive subscriptions of stock, or any one of them, are hereby authorized to take a release of the ground and right of way from the persons through whose lands said road may pass and be constructed, and a grant of the materials that may be necessary to construct or repair said road.

§ 21. The county court of Franklin county and the city corporation of the city of Frankfort, may in their corporate capacity subscribe for and hold, in such manner as may be agreed upon, any number of shares of the capital stock of said company that they may determine upon.

§ 22. The corporation herein created may agree with any persons or company to receive as stock the road from Frankfort to Leestown, as far as made, at its value, if the contemplated road shall be located on that route.

§ 23. The legislature hereby reserves the right to alter, amend, or repeal this act at pleasure.

Approved March 1, 1854.

CHAPTER 351.

AN ACT for the benefit of Durham Sanders, late Sheriff of Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Durham Sanders, late sheriff of Taylor county, be permitted to return his delinquent list for the years 1850 and 1851, and that the auditor of public accounts be and he is hereby directed to settle with and credit his accounts by the same.

Approved March 1, 1854.

CHAPTER 352.

AN ACT to incorporate the Covington Institute, in the town of Springfield, in Washington county.

WHEREAS, under a mutual agreement of Hugh McElroy, Wm. Blackwell, and others, and a contract between them and Abram Covington, for the purpose of establishing an institution of learning at Springfield, Kentucky, to be conducted by said Covington, as principal, during his connection therewith, subscriptions as stock, in shares of fifty dollars each, have been made to an amount sufficient to purchase a site and erect the necessary buildings thereon for said institution. Therefore, to legalize said association, and promote its object,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said institution be known by the name of Covington Institute.

Style of the corporation.

1854.

Trustees, powers, privileges, &c.

§ 2. That Hugh McElroy, John Jackson, Mordecai Hardin, Jas. R. Hughes, and E. L. Davison, and their successors in office, be and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Covington Institute; and by that name shall have perpetual succession, and a common seal, and in said corporate name to sue and be sued, plead and be impleaded in all the courts of this commonwealth.

Vacancies, how filled.

§ 3. Said board of trustees shall have power to fill, by appointment, all vacancies which may occur therein by death or otherwise; but they shall go out of office at the end of two years after the passage of this act, when, and every two years thereafter, a new board of trustees shall be elected by the stockholders, a majority of the shares being necessary for the same: *Provided*, that the powers of the trustees for the time being shall continue till each new board shall be installed in office, and that no one shall be a trustee who is not a stockholder.

May own real estate.

§ 4. Said trustees and their successors shall have full power, by purchase, gift, devise, or otherwise, to procure the necessary library and apparatus for the use of said institution, and in like manner for its use any quantity of land in or near Springfield, not exceeding ten acres, and receive in their fiduciary capacity a deed for the same.

Officers to be chosen.

§ 5. That the trustees incorporated by this act shall, at their first meeting after its passage, choose from their own body a president, secretary, and treasurer, who shall annually settle with the principal and report to the stockholders; and at all meetings of the board a majority shall constitute a quorum to do business.

By whom to be conducted.

§ 6. Said institution, when organized, shall be conducted by said Covington as principal, according to said contract with him, so long as he shall continue in that capacity; and he shall not be removed without good and sufficient reasons, and a majority of the stockholders shall determine the same. Should he voluntarily withdraw, or be removed by death or otherwise, from said place of principal, then his rights and responsibilities are to remain as those of other stockholders, and in case of his withdrawal, or death, or removal, the trustees shall have power to fill the vacancy occasioned thereby.

Approved March 2, 1854.

CHAPTER 353.

AN ACT to incorporate the Perryville and Mitchellsburg Turnpike Road Company.

Creation of corporation.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company be and is hereby formed and created a body politic and corporate, by the name

1854.

and style of the Perryville and Mitchellsburg Turnpike Road Company, for the purpose of constructing an artificial road from the south end of Middle street, of Perryville, Boyle county, lying on the east side of Chaplin, to the town of Mitchellsburg, in said county.

§ 2. The capital stock of said company shall be ten thousand dollars, to be divided into shares of fifty dollars each.

§ 3. That books for the subscription of stock in said road shall be opened in the town of Perryville, on the first Monday in May, 1854, or as soon thereafter as convenient, under the direction of J. P. Mitchell, J. W. Burton, J. L. Bolling, Jacob C. Barkley, Joseph Hopper, and John L. Bailey, or any three of them, and they may continue said books open as long as they may deem expedient.

§ 4. The subscribers to stock in said company shall enter into the following obligation: "We, whose names are hereunto subscribed, do respectively promise to pay to the president, directors, and company of the Perryville and Mitchellsburg Turnpike Road Company, fifty dollars for each share of stock set opposite our respective names, at such time, and in such proportions as said president and directors may require, after the same becomes due and payable. Witness our hands day of , 185 ;" which amounts may be collected in the proper courts.

§ 5. That so soon as four thousand dollars is subscribed to the capital stock of said company, it shall be the duty of the commissioners named in this act, or a majority of them, to give such notice, in such manner as they may think proper to designate, for the purpose of electing a president and five directors; and one vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year and until their successors are elected and qualified. The time and place for the election of president and directors, after the first election, shall be fixed by the president and directors for the time being. A majority of the directors shall be competent to transact all business.

§ 6. So soon as said company is organized, by the election of officers, the president and directors shall be a body politic and corporate, under the style aforesaid, and as such shall have perpetual succession, and all the privileges and franchises incident to like corporations; shall be capable of holding their capital stock, and the increase and profits thereof, and of taking and holding, by purchase or gift, all such lands, tenements, hereditaments, real and personal property, as may be necessary for the prosecution of their work or the objects of this corporation. They shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded in any court of law or equity in this commonwealth; also to have and use

1854.

a common seal, and generally to do all and every matter or thing which a like corporation may do.

§ 7. That said road shall be cleared forty feet, graded twenty-five feet, metalled, either stone or gravel, eighteen feet wide and nine inches thick, with all necessary bridges, culverts, &c.; and in case said road is five miles in length, the said president and directors may cause a toll gate to be erected thereon, but not within one-half mile of either of said towns, and may charge such rates of toll, as are now authorized by the general law; and if said road is not as much as five miles in length, they may erect a gate thereon, and charge at the rates aforesaid, in proportion to the length of said road.

§ 8. That said president and directors shall have power to condemn lands for the purpose of constructing said road, under the provisions of an act incorporating the Danville and Hustonville Turnpike Road Company.

§ 9. That no banking privileges are conferred by this charter, and the legislature reserves the right to repeal, alter, or amend this charter at pleasure.

Approved March 1, 1854.

CHAPTER 354.

AN ACT to incorporate the Louisville Insurance Company.

Creation
of
corporation.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That D. S. Benedict, Ben. J. Adams, W. T. Bartlett, A. A. Gordon, G. Spratt, and Thomas H. Hunt, together with their associates, successors, and assigns, be and they are hereby created and made a corporation and body politic, under the name and style of the Louisville Insurance Company, and shall continue until the first day of January, one thousand eight hundred and ninety-nine; and by that name are made capable in law to have, purchase, or receive, possess, enjoy, and retain, to them and their successors, lands, rents, tenements, goods, chattels, public or private security of any kind, quality, or nature whatsoever, not exceeding at any one time the sum of four hundred thousand dollars, and to sell and dispose of the same at any time, or in any manner, and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in any court of record, or in any other place whatsoever; also to make and use a common seal, and the same to break, alter, or renew at pleasure; also to ordain, establish, and put in execution such by-laws as may be necessary and convenient for the government of said corporation, not contrary to law.

What amount
of capital, &c.
and power to
dispose of same.

§ 2. The capital stock of this company shall not exceed four hundred thousand dollars, and shall be divided into shares of fifty dollars each.

§ 3. The corporators named in this act, or any three of them, shall, within twelve months from the passage of the same, open books for the subscription of stock; and when two thousand shares shall have been subscribed, they shall give notice of a meeting of the subscribers, when ten dollars shall be paid in hand on each share subscribed for, and the company shall be organized, when the remaining forty dollars on each share shall be secured to be paid at the time and in the manner that shall be designated by the shareholders who have paid in ten dollars on each share subscribed for. The corporators named, or any of them, who shall fail to subscribe for stock, shall cease to be members of the company. And all such subscribers as shall fail to pay ten dollars on each share subscribed for, on the day designated in the second notice, shall cease to be stockholders, and the stock subscribed for by them may be subscribed for by others, under the direction of the person or persons who received the original subscription. And in case any subscriber shall fail to pay any call made by the board of directors, (who are hereby authorized to make such calls,) for the unpaid balance of his subscription, and remain in default for the space of sixty days, the board may, in their discretion, forfeit his stock for the benefit of the company. And the board of directors may, in their by-laws, prescribe the manner in which the capital stock shall be increased, but in no event shall it exceed the sum of four hundred thousand dollars.

1854.
When books
to be opened,
and when to be
organized.

How stock
may be forfeited.

§ 4. The business of this company shall be managed by five directors, to be chosen by the subscribers, and no director shall hold less than twenty-five shares of stock. An election for directors shall be held at the first meeting of the subscribers, and the directors then elected shall continue in office until the first Monday in June next succeeding, or until their successors are chosen. And on the first Monday of June of each year an election for directors shall be held at the office of the company—such election to be held under the direction of three stockholders, who shall have been appointed by the directors, and shall be by ballot, and by a plurality of votes of the stockholders and their proxies, allowing one vote for each share of stock. And on all questions submitted to the stockholders for decision the same rule as to voting the stock shall apply.

Under whose
control the af-
fairs of the in-
stitution.

Period of
service of the of-
ficers.

§ 5. The board of directors may choose one of their number as president, in such manner and for such a period as they may ordain by their by-laws, and employ such clerk, secretary, or agents and servants as they may deem necessary for conducting the affairs of the company, and make such compensation as may be agreed on. At all meetings of the board of directors a majority of the whole number shall form a quorum for the transaction of business.

President to
be chosen, and
how, and for
what time.

1854.

When insur-
ance may be ef-
fected, and on
what terms.

§ 6. Whenever the sum of twenty thousand dollars shall be paid in, and the further sum of eighty thousand dollars shall be secured to be paid to the satisfaction of the president and directors, they shall have full power and authority, in the name and in behalf of said company, to make insurance against fire, on the general conditions and principles of fire insurance, to the full extent now enjoyed by other companies incorporated for the same purpose by the commonwealth of Kentucky; and to make all kinds of insurance on vessels, boats, and crafts of any description, on the interior rivers, lakes, bays, bayous, canals in the United States, or on the high seas, as well as on goods, wares, merchandise, produce, specie, freights, and every description of property transported by land or by water, within the United States, or to or from any foreign port or country, or on the high seas, on the general conditions and principles of marine insurance; they may also make insurance on the life or lives of slaves employed in the navigation of the western waters, or transported thereon; and to do and perform all things relating to said objects conformable to the provisions of this act, and to the laws of this commonwealth.

Certificates of
shares, how reg-
ulated.

§ 7. The form of certificates of shares and manner of transfer shall be regulated by the by-laws of the corporation; and a lien is hereby created in favor of the corporation on the stock of each shareholder for any claim that the company may have for the unpaid part of his shares, or other debts due or owing to said company, and no transfer shall be made except by the sanction of the board of directors.

When exhibit
to be made of
the affairs, &c.

§ 8. On the first Monday of December and June, in each year, a fair and clear statement of the affairs of the company shall be made out and exhibited to the stockholders, and such a dividend of the profits be made as a majority of the president and directors shall decide, but in no case shall the capital stock paid in be diminished.

Banking priv-
ileges denied.

§ 9. In no case shall this corporation exercise the business of banking, by issuing notes as an incorporated bank, but they may loan their money on public or private securities.

Falling to
meet on the day
fixed no bar to
future meetings.

§ 10. Should any election directed to be held under the charter of the said company, from any cause be neglected to be held on the day designated, or to be held on a subsequent day, the corporation shall not, from that cause, be dissolved, but any or all elections made in good faith shall be held and deemed valid as if held on the day designated by the act of incorporation.

§ 11. That said insurance company shall not at any time own real estate exceeding in value one hundred thousand dollars.

Approved March 1, 1854.

CHAPTER 355.

1854.

AN ACT to incorporate the Green River Savings Institution.

WHEREAS, it is proposed to establish in one of the counties of Muhlenburg, McLean, Ohio, and Daviess in this state certain iron works, which in their construction and operation may require a large number of laborers and mechanics, for whose convenience and advantage, and for the convenience and advantage of the proprietor or proprietors of the said works, as well as to facilitate their operations, it is thought desirable, wherever the said works may be located, to establish a savings institution. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a savings institution is hereby established, to be called the Green River Savings Institution; the shareholders and subscribers of stock therein, their successors and assigns, are hereby created a body politic and corporate, and by the name and style aforesaid shall have all the rights and privileges of a natural person in suing and being sued, answering and defending in all courts of law and equity.

Creation of corporation.

§ 2. That R. S. C. A. Alexander, I. B. Waller, A. J. Alexander, E. M. Brank, and Henry Thompson are hereby constituted commissioners to open books and receive subscriptions for the capital stock of said institution, any three or more of whom may, at such time and place as suits their convenience, open said books and receive the subscriptions of stock aforesaid, which shall be in shares of fifty dollars each, and which shall not exceed five hundred thousand dollars; and when two hundred shares shall be subscribed and one dollar per share paid thereon, the stockholders may meet and elect five directors, who shall serve one year and until their successors be elected; and so soon as the said two hundred shares shall be fully paid in, the said institution is then hereby authorized to commence business. The directors may annually elect a president, of their number, who shall retain and exercise all the rights and privileges which belong to any director.

Who commissioners, their duties, &c.

§ 3. The president and directors may adopt a seal, and change it at pleasure. They may appoint all agents and officers which they may deem proper, fix their compensation, and take bond and security for the faithful discharge of their duties. They may prescribe the time and manner of paying in the stock and the transfer thereof. They shall at such times and places as they may think proper open and close the books for the subscription of the stock which may remain unsubscribed after the election of the first board of directors under the second section of this act.

Powers and duties of the president.

§ 4. This corporation shall have all the rights and privileges of the chartered banks of the state, except they shall not issue paper as a circulating medium. They may buy

Powers and privileges of the institution.

1854.

By whom af-
fairs to be man-
aged.

and sell stock, deal in exchange, and gold and silver bullion. They may receive on general or special deposit gold and silver coin and bank notes, on which interest at the rate of six per cent. or less may or may not be allowed, as agreed upon between the parties; and twice per year may declare and pay to stockholders a dividend of profits.

§ 5. That the real and personal estate, business, property, funds, and prudential concerns of the said institution shall be managed by the said president and directors, (any three of whom may constitute a quorum for the transaction of business,) subject however to the control and direction of the stockholders who may from time to time, at their annual or other meetings, adopt such by-laws and rules as they may deem proper: *Provided*, the same are not contrary to this charter or the laws of the state. At any meeting of the said stockholders the stock of each shareholder may be represented by proxy, and the number of votes he may be entitled to shall be in proportion to the number of shares he may hold.

Who to is-
sue certificates
of stock.

§ 6. The president and directors shall issue certificates of stock to the holders thereof, for so much as shall be paid for, and the shares of the capital stock shall be considered and held in law as personal property, and assignable and transferable only in such manner and at such place as the president and directors shall by their laws prescribe; certificates of deposit shall be obligatory on said institution, and shall be transferable or assignable, when made payable to order, but shall not be re-issued.

Promissory
notes of same
standing as bills
of exchange,
with certain ex-
ceptions.

§ 7. The promissory notes made payable to any person or persons, or order, or payable to this institution or order, and negotiable and payable at their banking house, or at any bank or office of discount and deposit, or branch of any bank, and indorsed to and bought or discounted by said institution, shall be and they are hereby put upon the same footing as foreign bills of exchange, and remedy may be had jointly and severally against the drawers and indorsers, and with like effect, except as to damages, and except that in a regular course of administration they shall have no other or greater dignity or priority of payment than other notes.

Stockholders
to fix the time of
subsequent meet-
ings.

§ 8. The stockholders may at their first meeting under this charter fix the times and places of their subsequent meetings, which they may change thereafter from time to time to suit their convenience. They shall have power to fix and change at any time the location of this institution: *Provided*, the same be located in one of the counties herein above named.

When charter
expires.

§ 9. This institution shall continue a body politic and corporate until the 1st of June 1890.

Tax to be paid
into the treas-
ury, and when.

§ 10. It shall be the duty of the president, on the first day of July of each year, after the organization of this institution, and after the same shall have been located and

missioners of Calloway county, and to be paid by them to the respective trustees of said districts, for the benefit of the common schools therein.

1854.

Approved March 1, 1854.

CHAPTER 363.

AN ACT to establish an additional place of voting in District No. 1, in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there is hereby established in district No. 1, in the county of Graves, an additional voting place in the town of Dukedom; and the county court of said county shall hereafter appoint officers to hold elections at said place of voting, under the same rules and regulations as are now prescribed by the general laws.

Approved March 1, 1854.

CHAPTER 364.

AN ACT to improve the roads in Pendleton county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Pendleton county court shall, at its regular court of claims in the year 1854, and every year thereafter, levy a poll tax of one dollar and fifty cents on each white male over the age of sixteen and under fifty years, and all male slaves over sixteen years of age.

County to levy poll tax.

§ 2. Said county court shall also have power to levy annually an *ad valorem* tax of three cents on each one hundred dollars worth of property now subject to taxation by the revenue laws of this state, except those articles now taxed specifically, which tax shall be appropriated for the use of public roads in said county.

And an ad valorem tax.

§ 3. The commissioner of revenue for said county, when he assesses the state revenue, shall open a separate column in his book, and assess all the real estate, together with the white males over sixteen and under fifty years of age, and all male slaves over sixteen years of age, in each road district separately.

Duties of assessor.

§ 4. That said commissioner shall value the real estate in the same manner as required for state revenue, and the number of tithes subject by this act to work on roads, which shall be returned to the clerk of the county court, whose duty it shall be to transcribe a copy of the assessment of each district, and designate the amount of taxes due from each person for road purposes, and deliver the same to the sheriff of said county, whose duty it shall be to deliver to the surveyors of the several districts in said county.

Further duties.

1854.

Duties of surveyors of roads.

§ 5. That it shall be the duty of the several surveyors to superintend the repairing of all the public roads in the respective districts, under the order and direction of the county court, and they are authorized to receive a receipt for tax of persons assessed. The surveyor shall in person or by written notice, inform the persons liable to work as aforesaid, by giving them one day notice of the time and place; if by written notice, it shall be deemed lawful by leaving at their place of residence.

Persons liable to road tax may work out same.

§ 6. That each and every road tithable shall have the privilege of working out their road tax in the district which they belong, at the rate of seventy-five cents for every eight hours of labor performed; and if after being notified and do not attend and labor as required by this act, under the direction of the surveyor, the same shall make out a delinquent list of all such persons, and deliver the same to the sheriff, taking his receipt for the same, whose duty it shall be to proceed and collect the road tax from such delinquents as others taxes are collected, and pay the same over to the order of the surveyor; the sheriff shall be liable to the order of the surveyor for the road tax on his official bond, and shall be allowed five per cent. for collection.

§ 7. That it shall be the duty of the several surveyors to equalize the labor upon the various roads in their districts, having due regard to the use made of them.

Surveyors of roads to settle their accounts annually.

§ 8. That it shall be the duty of all the surveyors to settle annually with the county court, at their October term, of all the money that may have come to their hands for the improvement of roads in their districts. Said settlement shall be made on oath. They shall keep the roads in their districts in good repair, and shall further have the powers and perform the duties of a surveyor of the roads given and required by the general road laws of this commonwealth; and for failure to keep the same in repair, or to perform the duties imposed upon him by law, he shall be liable to a fine in the circuit court, on the presentment of the grand jury, of not less than ten nor more than twenty dollars, which fines, when collected, shall be added to the road fund of the district in which it shall be collected, for road purposes.

§ 9. That the several surveyors shall be allowed the sum of one dollar each for every day they may have been employed for the use of the road.

Voters of county to vote for & against said tax.

§ 10. That the tax hereby authorized shall not be so levied and collected until the propriety of the same shall have been submitted to the qualified voters of said county, at a regular August election, and shall have been voted for by a majority of the votes cast.

Approved March 1, 1854.

manner as other debts of equal amount, in the name of the president, directors, and company aforesaid.

§ 20. The commissioners appointed to receive subscriptions of stock, or any one of them, are hereby authorized to take a release of the ground and right of way from the persons through whose lands said road may pass and be constructed, and a grant of the materials that may be necessary to construct or repair said road.

May receive releases of right of way.

§ 21. The county court of Franklin county and the city corporation of the city of Frankfort, may in their corporate capacity subscribe for and hold, in such manner as may be agreed upon, any number of shares of the capital stock of said company that they may determine upon.

City of Frankfort and Franklin county may take stock.

§ 22. The corporation herein created may agree with any persons or company to receive as stock the road from Frankfort to Leestown, as far as made, at its value, if the contemplated road shall be located on that route.

§ 23. The legislature hereby reserves the right to alter, amend, or repeal this act at pleasure.

Approved March 1, 1854.

CHAPTER 351.

AN ACT for the benefit of Durham Sanders, late Sheriff of Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Durham Sanders, late sheriff of Taylor county, be permitted to return his delinquent list for the years 1850 and 1851, and that the auditor of public accounts be and he is hereby directed to settle with and credit his accounts by the same.

Approved March 1, 1854.

CHAPTER 352.

AN ACT to incorporate the Covington Institute, in the town of Springfield, in Washington county.

WHEREAS, under a mutual agreement of Hugh McElroy, Wm. Blackwell, and others, and a contract between them and Abram Covington, for the purpose of establishing an institution of learning at Springfield, Kentucky, to be conducted by said Covington, as principal, during his connection therewith, subscriptions as stock, in shares of fifty dollars each, have been made to an amount sufficient to purchase a site and erect the necessary buildings thereon for said institution. Therefore, to legalize said association, and promote its object,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said institution be known by the name of Covington Institute.

Style of the corporation.

1854.

Trustees. pow-
ers, privileges,
etc.

§ 2. That Hugh McElroy, John Jackson, Mordecai Hardin, Jas. R. Hughes, and E. L. Davison, and their successors in office, be and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Covington Institute; and by that name shall have perpetual succession, and a common seal, and in said corporate name to sue and be sued, plead and be impleaded in all the courts of this commonwealth.

Vacancies, how
filled.

§ 3. Said board of trustees shall have power to fill, by appointment, all vacancies which may occur therein by death or otherwise; but they shall go out of office at the end of two years after the passage of this act, when, and every two years thereafter, a new board of trustees shall be elected by the stockholders, a majority of the shares being necessary for the same: *Provided*, that the powers of the trustees for the time being shall continue till each new board shall be installed in office, and that no one shall be a trustee who is not a stockholder.

May own real
estate.

§ 4. Said trustees and their successors shall have full power, by purchase, gift, devise, or otherwise, to procure the necessary library and apparatus for the use of said institution, and in like manner for its use any quantity of land in or near Springfield, not exceeding ten acres, and receive in their fiduciary capacity a deed for the same.

Officers to be
chosen.

§ 5. That the trustees incorporated by this act shall, at their first meeting after its passage, choose from their own body a president, secretary, and treasurer, who shall annually settle with the principal and report to the stockholders; and at all meetings of the board a majority shall constitute a quorum to do business.

By whom to
be conducted.

§ 6. Said institution, when organized, shall be conducted by said Covington as principal, according to said contract with him, so long as he shall continue in that capacity; and he shall not be removed without good and sufficient reasons, and a majority of the stockholders shall determine the same. Should he voluntarily withdraw, or be removed by death or otherwise, from said place of principal, then his rights and responsibilities are to remain as those of other stockholders, and in case of his withdrawal, or death, or removal, the trustees shall have power to fill the vacancy occasioned thereby.

Approved March 2, 1854.

CHAPTER 353.

AN ACT to incorporate the Perryville and Mitchellsburg Turnpike Road Company.

Creation of
corporation.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company be and is hereby formed and created a body politic and corporate, by the name

1854.

and style of the Perryville and Mitchellsburg Turnpike Road Company, for the purpose of constructing an artificial road from the south end of Middle street, of Perryville, Boyle county, lying on the east side of Chaplin, to the town of Mitchellsburg, in said county.

§ 2. The capital stock of said company shall be ten thousand dollars, to be divided into shares of fifty dollars each.

§ 3. That books for the subscription of stock in said road shall be opened in the town of Perryville, on the first Monday in May, 1854, or as soon thereafter as convenient, under the direction of J. P. Mitchell, J. W. Burton, J. L. Bolling, Jacob C. Barkley, Joseph Hopper, and John L. Bailey, or any three of them, and they may continue said books open as long as they may deem expedient.

§ 4. The subscribers to stock in said company shall enter into the following obligation: "We, whose names are hereunto subscribed, do respectively promise to pay to the president, directors, and company of the Perryville and Mitchellsburg Turnpike Road Company, fifty dollars for each share of stock set opposite our respective names, at such time, and in such proportions as said president and directors may require, after the same becomes due and payable. Witness our hands day of , 185 ;" which amounts may be collected in the proper courts.

§ 5. That so soon as four thousand dollars is subscribed to the capital stock of said company, it shall be the duty of the commissioners named in this act, or a majority of them, to give such notice, in such manner as they may think proper to designate, for the purpose of electing a president and five directors; and one vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year and until their successors are elected and qualified. The time and place for the election of president and directors, after the first election, shall be fixed by the president and directors for the time being. A majority of the directors shall be competent to transact all business.

§ 6. So soon as said company is organized, by the election of officers, the president and directors shall be a body politic and corporate, under the style aforesaid, and as such shall have perpetual succession, and all the privileges and franchises incident to like corporations; shall be capable of holding their capital stock, and the increase and profits thereof, and of taking and holding, by purchase or gift, all such lands, tenements, hereditaments, real and personal property, as may be necessary for the prosecution of their work or the objects of this corporation. They shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded in any court of law or equity in this commonwealth; also to have and use

1854.

Trustees may
suppress disorderly
houses.

of the duties of his office, the town warden shall discharge all duties hereby imposed upon the marshal, under the same restrictions, limitations, and responsibility.

§ 6. The board of trustees shall have power to make such ordinances as they may deem proper to protect the citizens of the town against persons keeping noisy or disorderly houses, and idle or suspicious persons following no lawful pursuit; against the congregating of slaves at and about places of public resort or where spirituous liquors are sold; and it shall be the duty of the marshal and police judge to enforce all such ordinances, as well as those against riots, fights, drunkenness, and disorderly conduct, and all other municipal regulations made by the trustees not inconsistent with the laws of the state.

Overseers of
streets to be ap-
pointed,

Duty of the
treasurer.

§ 7. The board of trustees shall have power to appoint as many overseers of the streets as they may deem proper, from time to time, and district or allot the hands to work the streets as they may think fit; to cause the streets to be worked and kept in order, in such way as they may deem best. They may establish a uniform rate of exemption from working streets and roads, by affixing a sum of money, which, if paid on or before the first day of April in each year, to the treasurer appointed by the board of trustees, shall exempt all those who may pay from working on the roads or streets until the first day of the next April. It shall be the duty of the treasurer to report at each regular meeting an account of all moneys received by him since the last meeting; and for every failure on the part of the treasurer to make such report, unless excused by the board, he shall be liable to be fined not less than five nor than fifty dollars and costs, at the discretion of a jury, upon information filed with the police judge by the marshal or any trustee.

Streets may be
opened.

Proceedings
therefor.

§ 8. Any owner of real estate in said town wishing a street to be opened or extended, or an alley, may make application to the board of trustees for the appointment of reviewers, in the same way that application is made to the county court for viewers of public roads; and the said trustees shall appoint three or more fit persons, who, after being sworn, shall proceed to view the ground over which the street or alley is proposed to be run or extended, and report to said board, in writing, whether or not in their opinion the proposed opening or extension would be for the public interest; and upon the report such proceedings shall be had in reference to the proposed opening or extension as are necessary in cases of application for the opening or alteration of public roads, with this difference only, that the town marshal shall perform all the duties required of the sheriff in such proceedings in the county court, and receive the same fees; the board of trustees shall act as the county court might in road cases, and may establish the proposed street or alley, or extension of either, and

1854.

When books
to be opened,
and when to be
organized.

How stock
may be forfeited.

Under whose
control the af-
fairs of the in-
stitution.

Period of
service of the of-
ficers.

President to
be chosen, and
how, and at
what time.

§ 3. The corporators named in this act, or any three of them, shall, within twelve months from the passage of the same, open books for the subscription of stock; and when two thousand shares shall have been subscribed, they shall give notice of a meeting of the subscribers, when ten dollars shall be paid in hand on each share subscribed for, and the company shall be organized, when the remaining forty dollars on each share shall be secured to be paid at the time and in the manner that shall be designated by the shareholders who have paid in ten dollars on each share subscribed for. The corporators named, or any of them, who shall fail to subscribe for stock, shall cease to be members of the company. And all such subscribers as shall fail to pay ten dollars on each share subscribed for, on the day designated in the second notice, shall cease to be stockholders, and the stock subscribed for by them may be subscribed for by others, under the direction of the person or persons who received the original subscription. And in case any subscriber shall fail to pay any call made by the board of directors, (who are hereby authorized to make such calls,) for the unpaid balance of his subscription, and remain in default for the space of sixty days, the board may, in their discretion, forfeit his stock for the benefit of the company. And the board of directors may, in their by-laws, prescribe the manner in which the capital stock shall be increased, but in no event shall it exceed the sum of four hundred thousand dollars.

§ 4. The business of this company shall be managed by five directors, to be chosen by the subscribers, and no director shall hold less than twenty-five shares of stock. An election for directors shall be held at the first meeting of the subscribers, and the directors then elected shall continue in office until the first Monday in June next succeeding, or until their successors are chosen. And on the first Monday of June of each year an election for directors shall be held at the office of the company—such election to be held under the direction of three stockholders, who shall have been appointed by the directors, and shall be by ballot, and by a plurality of votes of the stockholders and their proxies, allowing one vote for each share of stock. And on all questions submitted to the stockholders for decision the same rule as to voting the stock shall apply.

§ 5. The board of directors may choose one of their number as president, in such manner and for such a period as they may ordain by their by-laws, and employ such clerk, secretary, or agents and servants as they may deem necessary for conducting the affairs of the company, and make such compensation as may be agreed on. At all meetings of the board of directors a majority of the whole number shall form a quorum for the transaction of business.

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further time of two years, from and after the passage of this act, to collect taxes, fee bills, and muster fines, in his hands uncollected, for the years 1850, 1851, and 1852.

Approved March 1, 1854.

CHAPTER 370.

AN ACT to incorporate the Maysville Gas Company.

Corporate name
and powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Charles B. Coons, Christian Shultz, Wm. H. Wadsworth, Harrison Taylor, Andrew M. January, Thomas B. Stevenson, Richard H. Stanton, and John M. Duke be and they are hereby declared a body corporate, they and their successors, to be styled the Maysville Gas Company; and by such name to have perpetual succession, to sue and be sued, to plead and be impleaded, in any court of law or equity in this commonwealth; and they shall keep a common seal, which they may alter or change at pleasure.

Capital stock.

§ 2. That the capital stock of said company shall be fifty thousand dollars, to be increased by said company as they may think best for the purposes of this act, and the stock shall be divided into shares of one hundred dollars each.

Stock books
to be opened.

§ 3. That the above named persons, or any four of them, after the passage of this act, may open suitable books in the city of Maysville for the subscription of stock, first giving ten days notice, in a newspaper, of the time and place of opening the same, and may receive the subscriptions of individuals and corporations for stock.

Election of
directors.

§ 4. That it shall be the duty of the commissioners, who may thus open books for subscriptions, after the sum of fifteen thousand dollars has been subscribed, to call a meeting of the stockholders, first giving public notice for ten days, in a newspaper in Maysville, of said meeting, who may proceed to elect a president and six directors to govern and conduct the affairs of the company; each director and the president shall be the owner of at least one share of stock in said company; and each stockholder shall be entitled to one vote for each share he may own, in the election of president and directors, who shall hold their offices for one year and until their successors shall be elected and qualified.

Annual elec-
tions.

§ 5. When the term for which the president and directors are elected is about expiring, the president shall give ten days notice, in a newspaper published in Maysville, of another election, by the stockholders, of a president and six directors, and all the directions of the preceding section in reference to the first election, shall be applicable to all subsequent elections.

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§ 6. That said company may purchase, or in any legal manner receive or acquire, and hold, and use any property of any description which may be necessary for the erection of such machinery, houses, or things as may be required by them to supply the whole city of Maysville with gas-lights.

§ 7. That said company may lay their pipes, of every necessary kind, through any of the streets and alleys of said city, and furnish gas-light to any person on such terms as the company and such person may agree upon; and any such contract shall be obligatory, and may be enforced in any proper court in this commonwealth. A contract may also be made in the same manner between the city of Maysville, or any corporation therein, and said company, which shall be enforced in the same way.

May lay pipes through the city.

§ 8. That the city of Maysville or any corporation may subscribe for capital stock in said company, and may vote in the election of president and directors, in proportion to the number of shares of stock owned, as individuals may.

City may subscribe stock.

§ 9. The whole board of directors shall consist of a president and the six directors, who shall have the power to pass such by-laws and rules for the transaction of the business of the board as they shall deem best.

§ 10. That the board shall have power to appoint all such officers and agents, and employ all such workmen, and upon such terms as will, in their opinion, operate best for the object of their company; and this act shall take effect on its passage.

Approved March 1, 1854.

CHAPTER 371.

AN ACT amending an act incorporating the trustees of the Hawesville Seminary, approved February 18th, 1842, and an act amending the said act, approved March 9, 1843.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Hancock county shall, at the first or some succeeding term of the court which may be held after the passage of this act, appoint five trustees of the "Hawesville and Hancock Seminary," who shall continue in office, subject to removal, until the appointment of their successors. The court, in the months of August, September, or October in each year, shall appoint five trustees of said seminary, who shall hold their office for twelve months, and until their successors are appointed—the said court at all times having the right to remove any of the trustees, and also the right to fill all vacancies in the board of trustees.

County court to appoint trustees.

§ 2. The court may at any regular term appoint two of the trustees in office as commissioners to sell and dispose

County court may direct certain lots to be sold.

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And conveyed.

How proceeds
to be applied.Subscriptions
to seminary to
be received.County court
may prescribe
terms for taking
said stock.To whom deed
to be taken.Trustees of
Hawesville
district school
may take stock.

of the seminary, and lot No. 80 in the town of Hawesville, upon such terms, conditions, and restrictions as the court shall think proper; and the court shall take a bond or bonds from the commissioners, with good security conditioned for the faithful performance of duty, and the proper holding and distribution of all funds, moneys, &c. which may come to their hands or be collected by them, according to the orders of the court in that behalf; and if the court shall approve of the sale it shall order the trustees to convey the seminary, and lot No. 80 in the town aforesaid, to the purchaser, reserving a lien thereon to secure the purchase money, if any remain unpaid when such conveyance is made; and such conveyance shall invest the purchaser with all the title to the seminary and lot.

§ 3. The said county court shall use the proceeds of the sale of the said seminary and lot, and appropriate the same to the purchase of another site, for an institution of learning in or near the town of Hawesville, and may at any time appoint commissioners to open books and receive individual subscriptions of stock, in shares of twenty-five dollars each, to be paid as the court may direct; and the amount of the proceeds of the sale of the present seminary and lot aforesaid, and the amount raised by individual subscription of stock, shall be used in the purchase of a suitable site and the erection of suitable and proper buildings for the purposes aforesaid: *Provided*, that the individual subscribers of stock shall in all elections of trustees have one vote for every share of stock, and the county judge shall, by himself or by some one appointed by the court for that purpose, give as many votes as the county shall be entitled to in proportion to the amount of the proceeds of the sale of said lot, or as many votes as there shall be shares arising from said sale.

§ 4. That if the county court shall see proper to form a joint stock company as provided in the last section, it may by its order prescribe the conditions upon which individual subscriptions of stock shall be received, and also the time of holding elections of trustees, and manner of filling vacancies.

§ 5. If any lands or grounds should be purchased, it must be conveyed to the "trustees of the Hawesville and Hancock Seminary;" but all sales and purchases must be approved of by the court; and court may from time to time order sales and purchases, but no sale or purchase shall be made after individual stock has been taken as provided, unless by the consent of a majority of the individual stockholders in interest.

§ 6. The trustees of the common school district or districts in Hawesville may subscribe and take shares of stock in the seminary, and make any arrangement to their advantage with the trustees of the seminary, and the common school trustees may cast the votes they may be enti-

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tioned to in electing trustees of the seminary, in such manner as may be agreed between them and the trustees of the seminary.

§ 7. The trustees of the town of Hawesville may subscribe and take shares of stock in the seminary, and cast their vote in elections to which they may be entitled, by the chairman of the board, and make all proper arrangements and agreements with the trustees of the seminary.

Town of Hawesville may take stock.

§ 8. The capital of the Hawesville and Hancock Seminary shall not exceed five hundred shares, of twenty-five dollars each.

Capital stock.

§ 9. That an act, entitled, "an act to incorporate the Trustees of Hawesville Seminary," approved February 18th, 1842, and an act, entitled, "an act to amend an act to incorporate the Trustees of the Hawesville Seminary," approved March 9th, 1843, be and they are hereby amended as provided in this act, and are repealed in so far as they conflict therewith. This act to take effect immediately after its passage.

Part of former acts repealed.

Approved March 1, 1854.

CHAPTER 373.

AN ACT for the benefit of the late Sheriff of Breathitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Isaac Combs, late sheriff of Breathitt county, shall have the further time of twelve months from the passage of this act, to collect all taxes and fees to him delivered or due before the expiration of his office, subject to the same liabilities, restrictions, and responsibilities as are now imposed by law in such cases, and as though they were due, delivered, or collected before the expiration of his office.

Approved March 1, 1854.

CHAPTER 374.

AN ACT incorporating the Louisville and Newport Branch Railroad Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Joshua F. Speed, Wm. D. Reed, Abram O. Smith, and Norvin Green, of the city of Louisville; Henry K. Lindsey, Thomas L. Jones, Daniel Wolf, and James Parker, of the city of Newport; Thomas G. Gaylord and Henry Goodman, of the city of Cincinnati; William Smith, George D. Dicken, Daniel Brannin, and Elijah F. Nuttall, of the county of Henry; Philip O. Turpin, of the county of Gallatin; Lyman Martin and John

Commissioners names to receive subscriptions.

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Green, of the county of Owen; John Scroggin, of the county of Grant; W. B. Murphy, of the county of Boone, and Robert Mallory, of the county of Oldham, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Louisville and Newport Branch Railroad Company, hereby incorporated; and they or a majority of them may, after giving such public notice thereof as they may deem best, cause books to be opened at such times and places, and under the superintendence of such person or persons as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, and may cause said books to remain open, or to be re-opened from time to time, until the whole stock of said company shall have been subscribed: *Provided*, that after the first opening of said stock books they shall remain open for at least thirty days; and if at the expiration of that time it be found that more than forty thousand shares of capital stock shall have been subscribed, the commissioners or a majority of them shall reduce the several subscriptions by striking from the largest, until the whole amount subscribed shall be reduced to the sum of the capital stock herein provided: *And provided also*, that should any of the commissioners die, resign, or refuse to act, during the continuance of the duties devolved upon them by this act, other persons may be appointed to fill such vacancies, by the remaining commissioners or a majority of them.

Capital stock.

Corporate name and powers.

§ 2. That the capital stock of the Louisville and Newport Branch Railroad Company shall be two million of dollars, in shares of fifty dollars each, which may be subscribed for by any individual or corporation, and as soon as six thousand shares of the said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be and they are hereby incorporated into a company, by the name and style of the Louisville and Newport Branch Railroad Company, and by that name shall be capable in law, of purchasing, holding, selling, leasing and conveying real estate and personal and mixed estate, so far as the same shall be necessary for the purposes hereinafter mentioned, and shall have perpetual succession; and by said corporate name may sue and be sued, and may have and use a common seal, which they shall have power to alter, abolish, or renew at pleasure; and shall have and enjoy, and may exercise all the powers, rights, and privileges which other incorporate bodies may lawfully do, for the purposes mentioned in this act.

Amount paid at time of subscribing.

§ 3. That at every such subscription there shall be paid at the time of subscribing, to said commissioners or their agent, the sum of one dollar on every share subscribed; and the residue thereof shall be paid in installments and

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at such times as may be required by the president and directors of said company: *Provided*, no payment shall be demanded until at least thirty days notice of said demand shall have been published, nor shall more than fifty per cent. of any subscription be demanded within any one year; and if any subscriber shall fail or neglect to pay any installment, or part of any subscription, demanded according to the provisions of this section, for the space of sixty days next after the same shall be due and payable, the stock on which it is demanded shall be forfeited to said company, and may be sold by the president and directors for the benefit of the company, but the president and directors, or a majority of them, may remit such forfeiture, on such terms as they may deem proper.

Delinquent stock may be forfeited.

§ 4. That if the subscription herein made necessary to the incorporation of said company be not obtained within five years after the first opening of the subscription books by said commissioners, this act and all of the subscriptions under it shall be null and void; and the said commissioners, after discharging the expenses of opening the books, shall return the residue of the money paid in upon such subscriptions, to the several subscribers, in proportion to the sums respectively paid in by them.

If necessary subscriptions not obtained in five years, charter void.

§ 5. That at the expiration of the thirty days for which the books are first opened, if six thousand shares of capital stock shall have been subscribed, or if not, as soon thereafter as the same shall be subscribed, the said commissioners, or a majority of them, shall call a general meeting of the stockholders, at such time and place as they may appoint, giving at least twenty days notice thereof; and at such meeting the said commissioners shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers or a majority of them there present, shall from among the stockholders elect nine directors, by ballot, to manage the affairs of said company; and the directors so elected, or a majority of them, shall have the power of electing a president of said company, either from among the directors or any other stockholder, and of allowing him such compensation for his services as they may deem proper; and in said election, and on all other occasions where a vote of stockholders may be required, each stockholder shall be allowed one vote for every share owned by him, her, or it, and every stockholder may in writing depute any other person to vote for him, her, or it, as his, her, or its proxy; and the commissioners aforesaid, or any three or more of them, shall be judges of said first election of directors.

When meeting may be called.

Directors to be elected.

§ 6. That to continue the succession of the president and directors of said company, nine directors of said company shall be chosen annually, on the first Monday in March of every year, in the city of Louisville, by the stockholders of said company; and the directors composing each suc-

Annual election of directors, their duties.

1854.

cessive board shall have power to elect a president, and affix his compensation as provided in the preceding section; and if any vacancy shall occur by death, resignation or refusal to act, by any president or director before the year for which he was elected shall have expired, a person to fill said vacancy for the residue of the year may be appointed by the president and directors of said company, or a majority of them; and that the president and directors of said company shall hold and exercise their offices until a new election of president and directors has been held; and in all elections held by the stockholders of said company, judges shall be appointed by the president and directors, or a majority of them, and all elections which are by this act or by the by-laws of said company to be held on a particular day, or at a particular time, if not made on such day or at such time, may be made at any time within thirty days thereafter.

General meetings of stockholders.

§ 7. That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings, by the president and directors, or a majority of them, or by any number of stockholders owning at least one-fourth of the whole stock subscribed, upon giving thirty days public notice of the time of holding the same, which shall be at some place in Louisville or Newport, named in the advertisement; and when any such meetings are called by the stockholders, such notice shall specify the particular object of the call; and if at any such call meeting a majority (in value) of the stockholders are not present, in person or by proxy, such meeting shall be adjourned from day to day, without transacting any business, for any time not exceeding three days; and if within three days stockholders having a majority (in value) of the stock subscribed do not attend, such meeting shall be dissolved.

Statement of affairs to be laid before the meeting of stockholders.

§ 8. That at the regular meetings of the stockholders of said company it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of said company, and at any called meeting, a majority (in value) of the stockholders being present, a majority (in value) of the attending stockholders may require similar statements from the president and directors; and at all general meetings of the stockholders a majority (in value) of all the stockholders in said company may remove from office the president or any of the directors of said company, or all of them, and fill up vacancies thus created in the same way, and to the same extent, that they could do at their stated annual meetings.

§ 9. That every president and director of said company, before he acts as such, shall swear or affirm, as the case may be, that he will well and truly discharge the duties of his said office to the best of his skill and judgment.

§ 10. That if any stock created by virtue of this act shall remain unsubscribed until after the election of the president and directors as provided for in this act, the said president and directors, or a majority of them, shall have power, either by themselves or such agents as they may appoint, to open books and receive subscriptions to any of the capital stock of said company which may remain unsubscribed for, or to sell or to dispose of such unsubscribed stock, for the benefit of the company, for any sum not under par value; and the subscribers or purchasers of such stock shall have all the rights, powers, and privileges of original subscribers, and subject to the same regulations.

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Books may be
re-opened.

§ 11. That the president and directors of said company are hereby invested with all the rights and powers necessary for the construction, repair, and maintenance of a railroad from some point on the Louisville and Frankfort railroad, east of Lagrange, through the counties of Henry, Carroll, Owen, Gallatin, Grant, Boone, Kenton, and Campbell, or by the general courses of the waters of Drennon, Eagle, Ten Mile, and Bank Lick creeks, to some suitable point on or near the Ohio river, in or near the city of Newport, to be by them determined, with as many sets of tracks as they may deem necessary, not altogether exceeding the width of sixty-six feet, and may, for the purpose of making or repairing the same, either by themselves, their agents, or those with whom they may contract, enter upon, use, and excavate any land which may be wanted for the site of said road, or the location of warehouses or other buildings necessary to said road, or for any other purposes necessary or useful in the construction or repair of said road or its works; and they may build bridges: *Provided*, the same do not obstruct the navigation of navigable streams; may fix scales and weights; may lay rails; and may take and use any earth, timber, gravel, stone, or other materials which may be wanted for the construction or repairs of said road or any part of its works; and may make and construct all works whatsoever which may be necessary or expedient in order to the proper completion of said road.

Rights and du-
ties of directors.

§ 12. That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary for the transaction of the business of said company, determine their compensation, regulate their duties and responsibilities, and may remove them at pleasure; and the said president and directors, or a majority of them, shall direct the manner and by what evidence stock in said company may be transferred; they shall determine the location and character of the road proposed by this act to be constructed and maintained; negotiate and confirm contracts for the completion of the same, or for any part thereof; place, locate, and direct any depots, stations, machine shops, warehouses, or other necessary buildings, either for the tempo-

Directors may
appoint all oth-
er officers, &c.

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cessive board shall have power to
 affix his compensation as provided
 tion; and if any vacancy shall occur
 or refusal to act, by any president
 year for which he was elected shall
 to fill said vacancy for the rest
 appointed by the president and directors
 or a majority of them; and that
 tors of said company shall hold office
 until a new election of president
 held; and in all elections held by
 company, judges shall be appointed
 directors, or a majority of them
 are by this act or by the by-laws
 held on a particular day, or a
 made on such day or at such time
 time within thirty days thereafter.

General meet-
 ings of stock-
 holders.

§ 7. That a general meeting
 company may be called at a
 between the annual meetings,
 ors, or a majority of them, or by
 ers owning at least one-fourth of
 ed, upon giving thirty days
 holding the same, which shall be
 ville or Newport, named in the
 any such meetings are called
 notice shall specify the particular
 at any such call meeting a majority
 holders are not present, in person
 shall be adjourned from day to day
 any business, for any time not
 if within three days stockholders
 value) of the stock subscribed
 shall be dissolved.

Statement of
 affairs to be laid
 before the meet-
 ing of stockhold-
 ers.

§ 8. That at the regular
 said company it shall be the duty
 rector in office for the year
 and distinct statement of the
 at any called meeting, a
 holders being present, a
 ing stockholders shall be
 president and directors
 stockholders.
 in said company.

1854.

ed by the terms of the
of way may include
gravel, and timber
the making or repair

How lands
and right of way
may be con-
demned.

Report to court.

Proceedings
in court.

owners or proprietors
or other cause, fail or
shall be lawful and the
owners, or any two of
proof as shall be pre-
or the road separately,
to the proprietor's ad-
advantages to the ad-
report of the same, to-
gh such county, to the
nty, with the name or
uch lands, and whether
state or non-residents,
be the duty of the clerk
owners, to show cause
shall not be made on
y, of the value of the
ervice of said summons
county, and if not, on
ty, if he, she, or they
t shall have jurisdiction
y, if any, of the assessed
he grant of the right of
y by a commissioner to
purpose: *Provided*, that
the county and have no
shall be lawful to send
a the state, where the
ent may be; and if said
ut of the state, and have
make an order of appear-
an four weeks distant, and
d with the owner, and de-
l when the owner is an in-
l in law, the court shall ap-
appear for such party and
lawful for the court to take
ner who is before the court,
served; and if the owners be
brought before the court as un-

lawful for the company, or for the
port, or for both to traverse it,
be the land required for the road,
ages to the adjoining land and the
road will be to the same—all which
ately, and thereupon the court shall

Report may be
received.

1854.

Proceedings
thereon.

cause a jury to be impaneled to try the traverse or traverses in open court, and under its direction, and to order the damages found by the jury to be paid, and also the damages to the adjacent lands, first deducting therefrom the value of the estimated advantage the road will be to the same. And the court shall have the right to grant to either party a new trial, for the same causes that new trials are granted in suits at law; and either party may appeal or take a writ of error, but no appeal or writ of error shall prevent the company from proceeding to construct the road: *Provided*, that the value of the estimated advantages that said road will be, shall in no case be deducted from or set off against the assessed or estimated value of the land taken or required for said road.

City of New-
port may sub-
scribe stock.

Bonds of the
city to be issued.

Vote of citi-
zens to be taken
thereon.

§ 17. That the president of the board of city council of the city of Newport is hereby authorized to subscribe for any number of shares of the capital stock of said company the said council may deem prudent, not exceeding the sum of three hundred thousand dollars, for and on behalf of the city of Newport, in her corporate capacity; for the payment of which subscription, the said president of the city council shall issue the bonds of said city, having not less than ten nor more than thirty years to run, and bearing an interest not exceeding the rate of eight per cent. per annum, payable half yearly, at such point as they may designate: *Provided*, that before any such subscription shall be made, the said president and board of city council shall submit the question of such subscription to the vote of the citizens of said city qualified to vote for members of the city council, having first advertised the amount and terms of said subscription for at least ten days before such vote is taken, in the newspapers of said city; and unless a majority of the qualified votes polled on such an occasion, be cast in favor of such subscription of stock, the same shall not be made; and in case of such subscription, said company shall have the right to sell said bonds, and to guarantee the payment of principal and interest, and shall apply the proceeds to the construction of said road, or the benefit of said company.

May cross
roads, &c.

§ 18. That whenever, in the construction of said road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of said president and directors so to construct the said road across such established road or way as not to impair the uses and purposes of the same; and whenever it shall be necessary to pass through the land of any person, proper wagon-ways shall also be provided for such person to pass from one part of his land to the other; and with such provision said road shall be entitled to pass over or across all public roads or high-ways.

May acquire
the temporary
use of land.

§ 19. That in all cases where said company shall require the temporary occupancy of land; or the use of earth,

1854.

stone, timber, or other materials, in the construction of said road, and shall not be able to agree with the party or parties owning, as to the value thereof, the same may be valued by the engineer and commissioners provided in this act, and the value thereof determined, and the controversy settled in the same manner and by the same course of procedure provided in the case of contest about the right of way.

§ 20. That it shall and may be lawful for said company to contract with the county court of any county or counties, and with any turnpike road or other corporation, or with any individual person or persons for the joint construction of any bridge or bridges necessary in the building of said road; and such bridge or bridges may be erected and used for purposes of other travel, and such tolls or fees for passing thereon, as the county court or courts of the county or counties in which said bridge or bridges may be located, may agree and affix, shall be charged and collected by said company, or by said company and its associates in the building thereof.

May contract with counties, &c. for erection of bridges for general use.

§ 21. That the said company, by such agents as they may appoint, shall be entitled to charge and receive, or in their corporate capacity to collect, for tolls and the transportation of passengers, goods, produce, merchandise, and property of any kind whatsoever, transported over their road, the same rates and prices of fare and freights which the Louisville and Frankfort railroad company are now entitled by law to charge; and such right to charge and collect shall vest in said company as soon as twelve miles of said road shall be completed.

May charge tolls for transportation.

§ 22. That said company, or a majority (in value) of all the stockholders concurring, shall have power to build branch railroads to any point or points in or near the route of said road, on the same terms and conditions, and with the same powers and responsibilities, hereby vested for the purposes of erecting and maintaining said specified road; or the president and directors shall have power to subscribe stock to any branch road connecting with this road, not exceeding in amount the sum of three hundred thousand dollars, and pay for the same out of the joint or common funds of said company, or by an issue of additional stock of said company, or of its bonds having not more than thirty years to run, and bearing a rate of not more than seven per cent. per annum interest: *Provided*, all such subscriptions shall be first submitted to and receive the support of a majority (in value) of stockholders in said company.

May build branch railroads

§ 23. That the president and directors of said company shall annually or semi-annually, as they may deem proper, declare and make such dividends as they may deem proper of the net profits arising from the resources of said company, after deducting the necessary current and probable

Dividends to be declared.

1854.

Green, of the county of Owen; John Scroggin, of the county of Grant; W. B. Murphy, of the county of Boone, and Robert Mallory, of the county of Oldham, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Louisville and Newport Branch Railroad Company, hereby incorporated; and they or a majority of them may, after giving such public notice thereof as they may deem best, cause books to be opened at such times and places, and under the superintendence of such person or persons as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, and may cause said books to remain open, or to be re-opened from time to time, until the whole stock of said company shall have been subscribed: *Provided*, that after the first opening of said stock books they shall remain open for at least thirty days; and if at the expiration of that time it be found that more than forty thousand shares of capital stock shall have been subscribed, the commissioners or a majority of them shall reduce the several subscriptions by striking from the largest, until the whole amount subscribed shall be reduced to the sum of the capital stock herein provided: *And provided also*, that should any of the commissioners die, resign, or refuse to act, during the continuance of the duties devolved upon them by this act, other persons may be appointed to fill such vacancies, by the remaining commissioners or a majority of them.

Capital stock.

Corporate name
and powers.

§ 2. That the capital stock of the Louisville and Newport Branch Railroad Company shall be two million of dollars, in shares of fifty dollars each, which may be subscribed for by any individual or corporation, and as soon as six thousand shares of the said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be and they are hereby incorporated into a company, by the name and style of the Louisville and Newport Branch Railroad Company, and by that name shall be capable in law, of purchasing, holding, selling, leasing and conveying real estate and personal and mixed estate, so far as the same shall be necessary for the purposes hereinafter mentioned, and shall have perpetual succession; and by said corporate name may sue and be sued, and may have and use a common seal, which they shall have power to alter, abolish, or renew at pleasure; and shall have and enjoy, and may exercise all the powers, rights, and privileges which other incorporate bodies may lawfully do, for the purposes mentioned in this act.

Amount paid
at time of sub-
scribing.

§ 3. That at every such subscription there shall be paid at the time of subscribing, to said commissioners or their agent, the sum of one dollar on every share subscribed; and the residue thereof shall be paid in installments and

for all such interest, in addition to the shares subscribed or held by them.

1854.

§ 29. That should said road ever be sold by proceedings on mortgages or deeds of trust, for debts, or other legal process than upon mortgages, or by contract, the purchaser or purchasers shall be entitled to all the rights and privileges of this act of incorporation and any amendments which may have been made thereto, and be subject to all the obligations, limitations, and restrictions of the same.

If road be sold
franchises pass
with it.

§ 30. That the mayor and council of the city of Louisville be and they are hereby authorized to subscribe to the capital stock of said company, any sum not exceeding three hundred thousand dollars, the subscriptions being first approved by a majority of all the legally qualified voters of said city, to be ascertained at an election to be called by due notice for that purpose, and pay said subscription in the bonds of said city, having not less than ten nor more than thirty years to run, and bearing a rate of interest not exceeding six per cent. per annum, payable half yearly; and said company shall have the right to sell said bonds and guarantee the payment of principal and interest, and shall apply the proceeds to the construction of said road.

City of Louis-
ville may sub-
scribe for stock.

By vote of
citizens.

§ 31. That said company may agree with the Louisville and Frankfort Railroad Company, binding said companies respectively to unite in building and straightening the Louisville and Frankfort road, from the point of junction to O'Bannon's depot, at the joint expense of said companies—each company contributing toward said straightening in proportion to their respective length of line between Louisville and Newport; and the said Louisville and Newport Branch Railroad Company to hold and control stock in the said Louisville and Frankfort railroad company for the amount the said Louisville and Newport company may contribute toward said straightening; or the said companies may contract for the said straightening and rebuilding between said points, upon such other terms and conditions as they may agree.

May unite with
Louisville and
Frankfort rail-
road company
in straightening
line.

§ 32. That the president and directors of said company shall have power to receive subscriptions of capital stock in said company payable in real estate, to be valued to said president and directors by disinterested commissioners, upon such uniform plan of valuation as said president and directors may adopt: *Provided*, that such real estate shall in all cases lie within a county or counties through which such road may pass, and the aggregate amount of such real estate received shall not exceed one-half the whole capital stock of said company; and for the purpose of converting such real estate subscriptions into available means, the said president and directors shall be and they are hereby invested with full power and authority, on

May receive
subscriptions in
real estate.

1854.

cessive board shall have power to elect a president, affix his compensation as provided in the preceding section; and if any vacancy shall occur by death, resignation or refusal to act, by any president or director before the year for which he was elected shall have expired, a person to fill said vacancy for the residue of the year may be appointed by the president and directors of said company or a majority of them; and that the president and directors of said company shall hold and exercise their offices until a new election of president and directors has been held; and in all elections held by the stockholders of said company, judges shall be appointed by the president and directors, or a majority of them, and all elections which are by this act or by the by-laws of said company to be held on a particular day, or at a particular time, if not made on such day or at such time, may be made at any time within thirty days thereafter.

General meetings of stockholders.

§ 7. That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings, by the president and directors, or a majority of them, or by any number of stockholders owning at least one-fourth of the whole stock subscribed, upon giving thirty days public notice of the time and place for holding the same, which shall be at some place in Louisville or Newport, named in the advertisement; and when any such meetings are called by the stockholders, such notice shall specify the particular object of the call; and at any such call meeting a majority (in value) of the stockholders are not present, in person or by proxy, such meeting shall be adjourned from day to day, without transacting any business, for any time not exceeding three days; and if within three days stockholders having a majority (in value) of the stock subscribed do not attend, such meeting shall be dissolved.

Statement of affairs to be laid before the meeting of stockholders.

§ 8. That at the regular meetings of the stockholders of said company it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of said company, and at any called meeting, a majority (in value) of the stockholders being present, a majority (in value) of the attending stockholders may require similar statements from the president and directors; and at all general meetings of the stockholders a majority (in value) of all the stockholders in said company may remove from office the president or any of the directors of said company, or all of them, and fill up vacancies thus created in the same way, and to the same extent, that they could do at their stated annual meetings.

§ 9. That every president and director of said company, before he acts as such, shall swear or affirm, as the case may be, that he will well and truly discharge the duties of his said office to the best of his skill and judgment.

CHAPTER 377.

1854.

AN ACT to amend the charter of the Campbell County Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall not be lawful for any person to travel upon the Campbell County Turnpike Road with locked wheel or wheels; and each and every offense of this kind shall be punished by a fine of not less than one nor more than five dollars.

Penalty for locking wheels.

§ 2. That said company shall have time, until the year 1860, to complete their road to Alexandria, and if they deem it proper, may extend it to Falmouth.

Approved March 1, 1854.

CHAPTER 378.

AN ACT to incorporate the Richmond and Estill Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby created under the name and style of the Richmond and Estill Turnpike Road Company, for the purpose of making a gravel, plank, or macadamized road from Richmond to the Madison county line, in the direction of Irvine.

Corporate name and purpose.

§ 2. The following named persons are appointed commissioners to contract for and superintend the building of said road, and to locate the route thereof, to-wit: William C. Goodloe, Thomas Tharp, Jonathan Estill, Christopher Harris, David Martin, Jarvis E. Gilbert, and Coleman Covington, and they and their successors are hereby made a body corporate, and are vested with full and necessary power to carry out the objects of this act.

Commissioners to make said road.

§ 4. That when said company shall be organized, the commissioners above named shall be the directors of said company, and shall elect one of the number as president; and said officers shall proceed to locate, build, and manage said road, having first taken an oath before a justice of the peace of Madison county to perform the duties of their offices faithfully, and to locate said road without favor or affection and to the best of their judgment. If any of the directors, or the president, shall die, resign, or refuse to act, or a vacancy shall occur in any other way, it shall be filled by the remainder of the board of directors. The president and directors shall appoint a treasurer, and such other officers as they may deem necessary, who shall hold their offices at the discretion of the board, and the directors may appoint others in their places. Before the treasurer enters upon the duties of his office, he shall execute bond with one or more good sureties, payable to the company, condition that he will faithfully discharge the duties of his of-

Who shall be directors. Their duties.

Treasurer to execute bond.

1854.

rary or permanent uses of said company; purchase or secure any locomotives, cars, engines, or other stock they may deem necessary; and shall pass and make such rules and by-laws as they may deem best for carrying the objects of said incorporation into effect: *Provided*, that such by-laws be not contrary to the constitution and laws of the United States, and of this commonwealth.

Capital may
be increased.

Payments on
stock.

May borrow
money.

§ 13. That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the president and directors, or a majority of them, to increase the said capital stock from time to time, by the addition of as many shares as they may deem necessary, not exceeding in amount the further sum of one million of dollars, which may be disposed of in the manner provided in the tenth section of this act; and if the exigencies of the company should require the payment of the stock to be made more rapidly than is provided for in this act, or a majority of the whole number of the president and directors consider it expedient for the purpose of aiding the stockholders, or hastening the completion of the contemplated road, it shall be lawful for them to borrow, on the credit of said company, for such length of time as they may think best, and at a rate of interest not exceeding seven per cent. per annum, a sum of money not exceeding the sum of one million of dollars; and the said president and directors may, upon the request of the stockholders representing two-thirds of the stock, mortgage the said road to raise any portion of the said sum necessary for its completion.

May acquire
right to land,
&c.

Mode of tak-
ing relinquish-
ment of right of
way.

§ 14. That the president and directors of said company, or a majority of them, or any person or persons authorized by a majority of them, may agree with the owner or owners for any land, earth, timber, stone, gravel, or other materials, or any improvements which may be wanted for the construction or repair of said road, its bridges, stations, depots, turnouts, or any of its works; and on application of said company to the county courts of the several counties through which said road may be wished to extend, such court shall appoint a civil engineer and two impartial commissioners, whose duty it shall be to take from owners and proprietors of land, and from those having an interest therein, and through which it is proposed the road shall pass, a grant of the right of way through the same; and said engineer and commissioners, or either of them, shall have the same power to take acknowledgments of the grantor or grantors, and certify the same for record, that the several clerks of the county courts now have; and also to take and certify the privy acknowledgments of married women; and it shall be the duty of the county court clerks of the respective counties to receive and record the grant with the certificate; and said grant, so certified and recorded, shall vest in the company all the rights

1854.

expressed in and intended to be vested by the terms of the grant; and the grants of the right of way may include the fee, and the right to stone, earth, gravel, and timber on the granted or adjoining land, for the making or repair of said road.

§ 15. That in all cases where the owners or proprietors of lands shall, from legal incapacity or other cause, fail or refuse to grant the right of way, it shall be lawful and the duty of said engineer and commissioners, or any two of them, from their own view and such proof as shall be presented, to value the lands required for the road separately, and the advantages the road will be to the proprietor's adjoining lands separately, and the disadvantages to the adjoining lands separately, and make report of the same, together with a map of the road through such county, to the clerk of the county court of such county, with the name or names of the owner or owners of such lands, and whether he, she, or they be residents of the state or non-residents, and infants or adults; and it shall be the duty of the clerk to issue a summons against all such owners, to show cause why the grant of the right of way shall not be made on the payment of the balance, if any, of the value of the land as reported; and upon the service of said summons on the owner or owners, if in the county, and if not, on his, her, or their agent in the county, if he, she, or they have one, ten days, the county court shall have jurisdiction on said report to order the balance, if any, of the assessed value of the land to be paid, and the grant of the right of way to be executed to the company by a commissioner to be appointed by the court for that purpose: *Provided*, that if the owner or owners be out of the county and have no known agent within the same, it shall be lawful to send the summons to any county within the state, where the owner is, or his, her, or their agent may be; and if said owner or owners be a non-resident of the state, and have no known agent, the court shall make an order of appearance to a named day, not less than four weeks distant, and appoint an attorney to correspond with the owner, and defend for him, her, or them; and when the owner is an infant, or otherwise incapacitated in law, the court shall appoint a guardian *ad litem*, to appear for such party and make defense; and it shall be lawful for the court to take up the case as to any one owner who is before the court, without waiting until all are served; and if the owners be not known, they shall be brought before the court as unknown heirs or owners.

How lands and right of way may be condemned.

Report to court.

Proceedings in court.

§ 16. That it shall be lawful for the company, or for the owner, to traverse the report, or for both to traverse it, and claim a jury to value the land required for the road, and to assess the damages to the adjoining land and the advantages which the road will be to the same—all which shall be done separately; and thereupon the court shall

Report may be traversed.

1854.

rary or permanent uses of said company; purchase and secure any locomotives, cars, engines, or other rolling stock they may deem necessary; and shall pass and enact such rules and by-laws as they may deem best for carrying the objects of said incorporation into effect: *Provided*, that such by-laws be not contrary to the constitution and laws of the United States, and of this commonwealth.

Capital may
be increased.

Payments on
stock.

May borrow
money.

§ 13. That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the president and directors, or a majority of them, to increase the said capital stock from time to time, by the addition of as many shares as they may deem necessary, not exceeding in amount the further sum of one million of dollars, which may be disposed of in the manner provided in the tenth section of this act; and if the exigencies of the company should require the payment of the stock to be made more rapidly than is provided for in this act, or a majority of the whole number of the president and directors consider it expedient for the purpose of aiding the stockholders, or hastening the completion of the contemplated road, it shall be lawful for them to borrow, on the credit of said company, for such length of time as they may think best, and at a rate of interest not exceeding seven per cent. per annum, a sum of money not exceeding the sum of one million of dollars; and the said president and directors may, upon the request of the stockholders representing two-thirds of the stock, mortgage the said road to raise any portion of the said sum necessary for its completion.

May acquire
right to land,
&c.

Mode of tak-
ing relinquish-
ment of right of
way.

§ 14. That the president and directors of said company, or a majority of them, or any person or persons authorized by a majority of them, may agree with the owner or owners for any land, earth, timber, stone, gravel, or other materials, or any improvements which may be wanted for the construction or repair of said road, its bridges, stations, depots, turnouts, or any of its works; and on application of said company to the county courts of the several counties through which said road may be wished to extend, such court shall appoint a civil engineer and two impartial commissioners, whose duty it shall be to take from owners and proprietors of land, and from those having an interest therein, and through which it is proposed the road shall pass, a grant of the right of way through the same; and said engineer and commissioners, or either of them, shall have the same power to take acknowledgments of the grantor or grantors, and certify the same for record, that the several clerks of the county courts now have; and also to take and certify the privy-acknowledgments of married women; and it shall be the duty of the county court clerks of the respective counties to receive and record the grant with the certificate; and said grant, so certified and recorded, shall vest in the company all the rights

1854.

expressed in and intended to be vested by the terms of the grant; and the grants of the right of way may include the fee, and the right to stone, earth, gravel, and timber on the granted or adjoining land, for the making or repair of said road.

§ 15. That in all cases where the owners or proprietors of lands shall, from legal incapacity or other cause, fail or refuse to grant the right of way, it shall be lawful and the duty of said engineer and commissioners, or any two of them, from their own view and such proof as shall be presented, to value the lands required for the road separately, and the advantages the road will be to the proprietor's adjoining lands separately, and the disadvantages to the adjoining lands separately, and make report of the same, together with a map of the road through such county, to the clerk of the county court of such county, with the name or names of the owner or owners of such lands, and whether he, she, or they be residents of the state or non-residents, and infants or adults; and it shall be the duty of the clerk to issue a summons against all such owners, to show cause why the grant of the right of way shall not be made on the payment of the balance, if any, of the value of the land as reported; and upon the service of said summons on the owner or owners, if in the county, and if not, on his, her, or their agent in the county, if he, she, or they have one, ten days, the county court shall have jurisdiction on said report to order the balance, if any, of the assessed value of the land to be paid, and the grant of the right of way to be executed to the company by a commissioner to be appointed by the court for that purpose: *Provided*, that if the owner or owners be out of the county and have no known agent within the same, it shall be lawful to send the summons to any county within the state, where the owner is, or his, her, or their agent may be; and if said owner or owners be a non-resident of the state, and have no known agent, the court shall make an order of appearance to a named day, not less than four weeks distant, and appoint an attorney to correspond with the owner, and defend for him, her, or them; and when the owner is an infant, or otherwise incapacitated in law, the court shall appoint a guardian *ad litem*, to appear for such party and make defense; and it shall be lawful for the court to take up the case as to any one owner who is before the court, without waiting until all are served; and if the owners be not known, they shall be brought before the court as unknown heirs or owners.

How lands
and right of way
may be con-
demned.

Report to court.

Proceedings
in court.

§ 16. That it shall be lawful for the company, or for the owner, to traverse the report, or for both to traverse it, and claim a jury to value the land required for the road, and to assess the damages to the adjoining land and the advantages which the road will be to the same—all which shall be done separately; and thereupon the court shall

Report may be
traversed.

1854.

Proceedings
thereon.

cause a jury to be impaneled to try the traverse or traverses in open court, and under its direction, and to order the damages found by the jury to be paid, and also the damages to the adjacent lands, first deducting therefrom the value of the estimated advantage the road will be to the same. And the court shall have the right to grant to either party a new trial, for the same causes that new trials are granted in suits at law; and either party may appeal or take a writ of error, but no appeal or writ of error shall prevent the company from proceeding to construct the road: *Provided*, that the value of the estimated advantages that said road will be, shall in no case be deducted from or set off against the assessed or estimated value of the land taken or required for said road.

City of New-
port may sub-
scribe stock.

Bonds of the
city to be issued.

Vote of citi-
zens to be taken
thereon.

§ 17. That the president of the board of city council of the city of Newport is hereby authorized to subscribe for any number of shares of the capital stock of said company the said council may deem prudent, not exceeding the sum of three hundred thousand dollars, for and on behalf of the city of Newport, in her corporate capacity; for the payment of which subscription, the said president of the city council shall issue the bonds of said city, having not less than ten nor more than thirty years to run, and bearing an interest not exceeding the rate of eight per cent. per annum, payable half yearly, at such point as they may designate: *Provided*, that before any such subscription shall be made, the said president and board of city council shall submit the question of such subscription to the vote of the citizens of said city qualified to vote for members of the city council, having first advertised the amount and terms of said subscription for at least ten days before such vote is taken, in the newspapers of said city; and unless a majority of the qualified votes polled on such an occasion, be cast in favor of such subscription of stock, the same shall not be made; and in case of such subscription, said company shall have the right to sell said bonds, and to guarantee the payment of principal and interest, and shall apply the proceeds to the construction of said road, or the benefit of said company.

May cross
roads, &c.

§ 18. That whenever, in the construction of said road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of said president and directors so to construct the said road across such established road or way as not to impair the uses and purposes of the same; and whenever it shall be necessary to pass through the land of any person, proper wagon-ways shall also be provided for such person to pass from one part of his land to the other; and with such provision said road shall be entitled to pass over or across all public roads or highways.

May acquire
the temporary
use of land.

§ 19. That in all cases where said company shall require the temporary occupancy of land; or the use of earth,

1854.

stone, timber, or other materials, in the construction of said road, and shall not be able to agree with the party or parties owning, as to the value thereof, the same may be valued by the engineer and commissioners provided in this act, and the value thereof determined, and the controversy settled in the same manner and by the same course of procedure provided in the case of contest about the right of way.

§ 20. That it shall and may be lawful for said company to contract with the county court of any county or counties, and with any turnpike road or other corporation, or with any individual person or persons for the joint construction of any bridge or bridges necessary in the building of said road; and such bridge or bridges may be erected and used for purposes of other travel, and such tolls or fees for passing thereon, as the county court or courts of the county or counties in which said bridge or bridges may be located, may agree and affix, shall be charged and collected by said company, or by said company and its associates in the building thereof.

May contract with counties, &c. for erection of bridges for general use.

§ 21. That the said company, by such agents as they may appoint, shall be entitled to charge and receive, or in their corporate capacity to collect, for tolls and the transportation of passengers, goods, produce, merchandise, and property of any kind whatsoever, transported over their road, the same rates and prices of fare and freights which the Louisville and Frankfort railroad company are now entitled by law to charge; and such right to charge and collect shall vest in said company as soon as twelve miles of said road shall be completed.

May charge tolls for transportation.

§ 22. That said company, or a majority (in value) of all the stockholders concurring, shall have power to build branch railroads to any point or points in or near the route of said road, on the same terms and conditions, and with the same powers and responsibilities, hereby vested for the purposes of erecting and maintaining said specified road; or the president and directors shall have power to subscribe stock to any branch road connecting with this road, not exceeding in amount the sum of three hundred thousand dollars, and pay for the same out of the joint or common funds of said company, or by an issue of additional stock of said company, or of its bonds having not more than thirty years to run, and bearing a rate of not more than seven per cent. per annum interest: *Provided*, all such subscriptions shall be first submitted to and receive the support of a majority (in value) of stockholders in said company.

May build branch railroads

§ 23. That the president and directors of said company shall annually or semi-annually, as they may deem proper, declare and make such dividends as they may deem proper of the net profits arising from the resources of said company, after deducting the necessary current and probable

Dividends to be declared.

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L. & F. railroad company may subscribe stock in said road.

And indorse their bonds.

When charter to be void.

Directors may prescribe terms of subscription of stock.

May contract for construction of road on time, &c.

Interest to be allowed on all payments.

contingent expenses; and they shall divide the same among the stockholders of said company in proportion to their respective shares.

§ 24. That the Louisville and Frankfort railroad company, by their president and directors, may subscribe stock in the said Louisville and Newport branch road company, hereby incorporated, to an amount not exceeding five hundred thousand dollars; and the said president and directors of the Louisville and Frankfort railroad company may indorse the bonds of the said Louisville and Newport branch railroad company, to any amount not exceeding the sum of six hundred thousand dollars: *Provided*, that in case of either subscription or indorsement, the president and directors of the said Louisville and Frankfort railroad company shall be first instructed by the vote of a majority (in value) of all the stockholders present and voting at a called or annual meeting to which the question may be submitted, after notice of such submission has been duly published, as provided in the act of incorporation of the said Louisville and Frankfort railroad company.

§ 25. That if this road shall not be commenced within five years from the first opening of books for the subscription of capital stock to the same, and shall not be finished within ten years after the time of commencement, then this act shall be null and void.

§ 26. That the president and directors may receive subscriptions to the capital stock of said company, upon such terms and conditions as to time and manner of payment as they may deem fit, and the president and directors shall have the right to take the obligations of the subscribers of stock in said company, for such installments upon the stock subscribed, payable at such time, and secured by such direct or collateral sureties as they may agree and determine; and to raise money by the discount and transfer of such notes or papers: *Provided*, that said company shall not issue certificates of stock until the same shall be paid for.

§ 27. That it shall be lawful for the president and directors of said company to contract for the whole or any part of the construction or materials toward and for the construction of said road, on time, and to borrow money on time to pay for the materials or construction of said road, and to secure any and all such debts by the bonds or obligations of said company, either with or without personal or other corporate indorsement; or to execute a mortgage or mortgages upon said road or any or all the property of the same.

§ 28. That any and all payments made or to be made upon the stock of said company shall bear interest at the rate of six per cent. per annum, until a dividend shall be made, and the president and directors are authorized and required to issue to the persons entitled certificates of stock

or all such interest, in addition to the shares subscribed or sold by them.

§ 29. That should said road ever be sold by proceedings on mortgages or deeds of trust, for debts, or other legal process than upon mortgages, or by contract, the purchaser or purchasers shall be entitled to all the rights and privileges of this act of incorporation and any amendments which may have been made thereto, and be subject to all the obligations, limitations, and restrictions of the same.

§ 30. That the mayor and council of the city of Louisville be and they are hereby authorized to subscribe to the capital stock of said company, any sum not exceeding three hundred thousand dollars, the subscriptions being first approved by a majority of all the legally qualified voters of said city, to be ascertained at an election to be called by due notice for that purpose, and pay said subscription in the bonds of said city, having not less than ten nor more than thirty years to run, and bearing a rate of interest not exceeding six per cent. per annum, payable half yearly; and said company shall have the right to sell said bonds and guarantee the payment of principal and interest, and shall apply the proceeds to the construction of said road.

§ 31. That said company may agree with the Louisville and Frankfort Railroad Company, binding said companies respectively to unite in building and straightening the Louisville and Frankfort road, from the point of junction to O'Bannon's depot, at the joint expense of said companies—each company contributing toward said straightening in proportion to their respective length of line between Louisville and Newport; and the said Louisville and Newport Branch Railroad Company to hold and control stock in the said Louisville and Frankfort railroad company for the amount the said Louisville and Newport company may contribute toward said straightening; or the said companies may contract for the said straightening and rebuilding between said points, upon such other terms and conditions as they may agree.

§ 32. That the president and directors of said company shall have power to receive subscriptions of capital stock in said company payable in real estate, to be valued to said president and directors by disinterested commissioners, upon such uniform plan of valuation as said president and directors may adopt: *Provided*, that such real estate shall in all cases lie within a county or counties through which such road may pass, and the aggregate amount of such real estate received shall not exceed one-half the whole capital stock of said company; and for the purpose of converting such real estate subscriptions into available means, the said president and directors shall be and they are hereby invested with full power and authority, on

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If road be sold
franchises pass
with it.

City of Louis-
ville may sub-
scribe for stock.

By vote of
citizens.

May unite with
Louisville and
Frankfort rail-
road company
in straightening
line.

May receive
subscriptions in
real estate.

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behalf of said company, to sell and convey such estate as received, either for cash or on such time as they may agree and at public vendue or by private contract; or they may rent, mortgage, or otherwise hypothecate such estate to secure the payment of any sum or sums of money they may be able to borrow thereon.

§ 33. The general assembly reserves the right to alter, amend, or repeal the foregoing act.

Approved March 1, 1854.

CHAPTER 375.

AN ACT to incorporate the Richmond and Paint Lick Turnpike Road Company.

Corporate name
and purpose.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby created, under the name and style of the Richmond and Paint Lick Turnpike Road Company, for the purpose of making a macadamized, gravel, plank, or other artificial road from Richmond to such point on Paint Lick creek as may be made the terminus of the Lancaster and Paint Lick turnpike.

Commissioners
to construct the
road.

§ 2. That John Scott, John H. Miller, James M. Shackelford, John A. Duncan, Joseph Turner, William Harris, and William Chenault be and they are hereby appointed commissioners to locate, contract for, and superintend the construction of said road, and they and their successors are made a body corporate.

Former act
adopted.

§ 3. All the provisions of an act, entitled, an act to incorporate the Richmond and Estill Turnpike Road Company, passed at the present session of this general assembly, after the second section of said act, are referred to and made part of this act, as fully as if again herein re-enacted.

Approved March 1, 1854.

CHAPTER 376.

AN ACT to change the Justices' Districts and voting districts of Owsley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the presiding judge of the Owsley county court, together with the justices of said county, or a majority of them, may, at the April term of said court, change and re-organize any or all of the justices' districts and voting districts of said county; and the changes made, in pursuance of this act, shall be spread upon the records of said court; and shall be valid and take effect when so made.

Approved March 1, 1854.

CHAPTER 377.

1854.

AN ACT to amend the charter of the Campbell County Turnpike Road Company.

Penalty for locking wheels.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall not be lawful for any person to travel upon the Campbell County Turnpike Road with locked wheel or wheels; and each and every offense of this kind shall be punished by a fine of not less than one nor more than five dollars.

§ 2. That said company shall have time, until the year 1860, to complete their road to Alexandria, and if they deem it proper, may extend it to Falmouth.

Approved March 1, 1854.

CHAPTER 378.

AN ACT to incorporate the Richmond and Estill Turnpike Road Company.

Corporate name and purpose.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby created under the name and style of the Richmond and Estill Turnpike Road Company, for the purpose of making a gravel, plank, or macadamized road from Richmond to the Madison county line, in the direction of Irvine.

Commissioners to make said road.

§ 2. The following named persons are appointed commissioners to contract for and superintend the building of said road, and to locate the route thereof, to-wit: William C. Goodloe, Thomas Tharp, Jonathan Estill, Christopher Harris, David Martin, Jarvis E. Gilbert, and Coleman Covington, and they and their successors are hereby made a body corporate, and are vested with full and necessary power to carry out the objects of this act.

Who shall be directors. Their duties.

§ 4. That when said company shall be organized, the commissioners above named shall be the directors of said company, and shall elect one of the number as president; and said officers shall proceed to locate, build, and manage said road, having first taken an oath before a justice of the peace of Madison county to perform the duties of their offices faithfully, and to locate said road without favor or affection and to the best of their judgment. If any of the directors, or the president, shall die, resign, or refuse to act, or a vacancy shall occur in any other way, it shall be filled by the remainder of the board of directors. The president and directors shall appoint a treasurer, and such other officers as they may deem necessary, who shall hold their offices at the discretion of the board, and the directors may appoint others in their places. Before the treasurer enters upon the duties of his office, he shall execute bond with one or more good sureties, payable to the company, condition that he will faithfully discharge the duties of his of-

Treasurer to execute bond.

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To determine
grade of road.

rice, and account for and pay over to the president and directors of said company, or to their order, all moneys that may come to his hands as such.

§ 4. The grade, material, and width of said road shall be such as the directors aforesaid may deem best, the artificial part not to exceed twenty feet in width, and the grade not to exceed three and a half degrees; and said directors shall have power to employ surveyors, engineers and other agents to enable them to construct said road.

How right of
way to be ob-
tained.

§ 5. That in case the corporation shall not be able to acquire the title to any lands over which they desire to run said road, by contract or voluntary cession, it shall be lawful for the corporation to appropriate the same to their use for the purposes contemplated by this charter, upon their complying with the provisions of the following section of this act, and they shall upon the same terms and conditions have power to condemn any stone, wood, gravel, or other material that may be necessary to construct said road.

Proceedings in
court.

§ 6. The directors shall present a petition to the judge of the circuit court of the county in which the land, stone, gravel, or other material, shall lie, setting forth the lands and materials wanted for the construction of said road, or its appendages, and the names of the owners thereof, if known, distinguishing the parcels claimed by the respective owners, and praying for the appointment of appraisers to assess the damages which the owners of said lands, stone, timber, gravel, and other materials, will sustain severally by reason of the appropriation aforesaid to the use of said corporation; and on the presentation of such petition said judge shall appoint a day for the hearing of the parties interested, and shall direct reasonable notice to be given of the time and place of hearing, and if it shall appear that any of the owners of such property are unknown, infants, insane, or *femes covert*, it shall be the duty of the judge to appoint some discreet person to represent them, and the judge shall award him reasonable compensation for his services, to be paid out of the damages assessed against the corporation, if any, and if not, then out of the estate of the party so represented. At the time of hearing the judge shall appoint three disinterested freeholders, residents of said county in which the land and materials are situated, to assess the damages, and in the order of their appointment, shall direct what lands or property are to be appropriated by the corporation. Said appraisers, after being first sworn, shall proceed to assess the damages, and in the assessment of the damages they shall, in all instances, give the party whose property is to be used full value for the property taken; but in estimating the incidental damages to the adjoining lands, they may offset against them the advantages that will accrue to said persons from making the road; and said appraisers shall

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report in writing under their hands to the said judge, within ten days from the receipt of their commission, their assessment of damages, together with the order of appointment, and they shall designate what property they have valued. In case the appraisers do not agree, the judge shall appoint others; and on the judgment or tender of the damages the corporation shall be entitled to the land or property so valued and condemned; on the return of the assessment to the circuit judge, the owner of the land or materials may demand and have a jury summoned, or their assessment shall be binding.

§ 7. In case the judge of the county in which the land lies is interested, or a party, then the application for the appointment, and proceedings named in the last section, may be had before a special judge elected for the occasion.

§ 8. Whenever five consecutive miles of said road are completed, and the same is reported in the open county court and entered of record, it shall be lawful for said company to erect a toll gate, at which gate, and all others on said road, they shall charge no greater toll than the law permits on other turnpike roads in this state; and no gate shall be placed in less than two-thirds of a mile of Richmond, and the corporation shall not place more than one gate for every five miles of road; but if the gates are more than five miles apart the toll may be increased in the same proportion.

When toll gates may be erected.

§ 9. The directors shall have power to appoint and remove toll gate keepers; and it shall be the duty of the gate keeper to keep at such gate a printed list of the rate of toll. No toll shall be charged on said road if out of repair so badly that on personal view any three justices of the peace shall condemn it as unfit for use, and deposit in writing their decision to that effect with the county court clerk; but said condemnation may be at any time in vacation or term time removed by an order of the county judge.

Toll gate keeper, his duties.

§ 10. If the gate keeper on said road shall at any time charge more toll than the rates named above, he shall, for each offense, be fined ten dollars, to be collected by warrant before a justice of the peace.

Penalties for taking higher toll.

§ 11. The president and directors shall have power to purchase and hold, for the benefit of the corporation, sites for toll gates, and to erect suitable buildings thereon.

Toll houses.

§ 12. No person over whose lands said road runs shall be charged toll for going through the gates to get from one part of his farm to another.

§ 13. The president and directors shall have a right to reduce the rates of toll in favor of persons having frequent occasion to pass through one or more gates, and may fix a reasonable annual compensation to be paid by such persons and their families.

May reduce rates of toll.

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County court
to levy tax to
build said road.

Vote to be
taken thereon.

Sheriff to col-
lect tax.

Tax payers
overpaying to
have credit.

When tax to
fall due.

§ 14. No person shall be charged toll for passing to and from church on said road on the Sabbath day.

§ 15. The county judge of Madison shall levy annually a tax of two cents on each hundred dollars of property in Madison county subject to state revenue tax, for the purpose of building said road, and to continue the same levy until the road is completed.

§ 16. Before the county judge carries into effect the last preceding section, he shall cause a vote to be taken, at the next August election of Madison county, of the persons qualified to vote for members of the general assembly, and if a majority of those who vote at said election, for or against said measure, shall cast their votes in favor of levying the tax, then he shall order the tax to be levied and collected.

§ 17. The tax so levied shall be collected by the sheriff of the county as other taxes, and be by him paid over to the treasurer of said company, deducting therefrom two per centum for his services, and he shall give to each person paying said tax a receipt therefor, which shall entitle the holder to that much stock in the corporation, and shall operate as a certificate of stock, and shall be assignable.

§ 18. All the dividends at any gate on said road shall be applied in aid of the construction and repair thereof, until the same is completed.

§ 19. After the road is completed the net profits thereof shall be paid, *pro rata*, semi-annually, to the stockholders in said road.

§ 20. The work on the road shall be commenced at Richmond and extended on to the county line.

§ 21. Any person who shall pay to the treasury of said road, in any one year, more than his tax aforesaid for that year, shall have a credit on his tax for the succeeding years for the amount so paid, and interest thereon from the time of payment.

§ 22. The tax authorized to be levied shall fall due and be distrainable on the first of May in each and every year, and the sheriff of the county shall on the first day of October in each year pay over said tax to the treasurer of said road.

§ 23. A majority of said commissioners or directors shall constitute a quorum to do business.

Approved March 1, 1854.

CHAPTER 379.

AN ACT to change the place of voting in district No. 1, in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in district No. 1, in Owen county, is hereby changed from Lee's mill to the storehouse of John C. Glass, in said district.

Approved March 1, 1854.

CHAPTER 381.

1854.

AN ACT providing for the improvement of the State Road leading from Stanford to Somerset.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John S. Murphy and Elisha Perkins, of Lincoln county, and Elisha Dungs and Robert C. Harris, of Pulaski county, be and they are hereby appointed commissioners who, or a majority of whom, shall take charge of and superintend the improvement of that part of the state road leading from Stanford, in Lincoln county, to Somerset, in Pulaski county, which lies between the terminus of the Stanford and Hall's Gap turnpike road, at Hall's Gap, in Lincoln county, and Somerset, in Pulaski county; and that said commissioners immediately proceed to open books for subscription to the improvement of said road in the counties of Lincoln and Pulaski, and so soon as the subscription of \$400 in Lincoln county and \$800 in Pulaski county is made, they shall cause the same to be expended on said road, (according to the subscription of each county,) either by grading or otherwise, as in their judgment seems best for the improvement of said road; they shall have power to change said road and place it on better ground, and for that purpose they shall have all the powers of obtaining the right of way, which is now, by the general laws of this state, vested in regular turnpike road companies. Said commissioners shall report to the county court of their respective counties, the fact that said money has been expended on said road, and in what manner of improvement, whether by grading portions of said road or otherwise; and upon their report being made, it shall be the duty of the county court of either of said counties to cause a gate to be erected on said road, within five miles of the county line of said counties. The said commissioners shall appoint a gate keeper, who shall take an oath and enter into bond, with security to be approved by said commissioners, in the penalty of one thousand dollars, conditioned for the faithful discharge of the duties incumbent upon him as gate keeper, who shall be subject to removal at the discretion of said commissioners. He shall also renew his bond every year he may continue in office. He shall, if required, make settlements monthly with said commissioners or their successors, and at every such settlement he shall pay over to the commissioners of each county the funds that may be in his hands, according to the amounts subscribed and appropriated by them in their respective counties, and take and file their receipts for the same. He shall be permitted to retain, out of the said funds, his salary, which is hereby fixed at \$100 per year. He shall exhibit and file annually his monthly settlements and receipts in the county court of each county, for its inspection, and subject to its correction or approval.

Who to superintend improvements.

To receive subscriptions therefor.

And expend the same.

Toll gate keeper.

His duties.

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Commissioners
to execute bond.

§ 2. The said commissioners, before entering upon their duties, shall enter into bond in the county court of their respective counties, in the penalty of two thousand dollars, conditioned for the faithful discharge of the duties imposed by this act; which bonds shall be taken to the commonwealth of Kentucky for the benefit of said counties.

Certain road
has been placed un-
der control of
commissioners.

§ 3. That the amounts subscribed by the respective counties, and the profits arising therefrom, shall be applied to the improvement of said road in each county, according to their respective rights, as soon as received. And that the boundaries of lands now allotted to the several surveyors of said road in each county, be placed under the control of the said commissioners as soon as they commence the improvement of said road under this act, who shall be vested with the same powers and subject to the same penalties and restrictions that surveyors of roads now are, except in such cases as are otherwise provided and expressed in this act. All vacancies by resignation or otherwise of the commissioners shall be filled by the county courts of the counties aforesaid. The commissioners shall be allowed, out of the funds arising from the tolls on said road, the sum of one dollar per day for their services while engaged on said road.

§ 4. That the rates of toll at the gate aforesaid shall be the same rates now allowed by law for five miles of turnpike or plank road within this state.

§ 5. That all laws coming within the purview of this act shall be and are hereby repealed.

County courts
may appropriate
money to said
road.

§ 6. That the county courts of Lincoln and Pulaski, a majority of the justices of said counties concurring, may and they are hereby authorized to appropriate a sum or sums of money not exceeding four hundred dollars for Lincoln and eight hundred dollars for Pulaski county, for the purpose of improving said road under the provisions of this act.

§ 7. That the General Assembly hereby retains the right to amend, alter, or repeal this charter at any time.

Approved March 1, 1854.

CHAPTER 382.

AN ACT to incorporate the Deposit Bank of Lexington.

Commissioners
to receive sub-
scriptions.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William A. Dudley, Charles S. Bodley, James H. Hanna, John B. Wilgus, and Richard A. Buckner are hereby appointed commissioners to obtain subscriptions to the stock of the corporation hereinafter created, who, or a majority of them, may meet at some convenient time and place in the city of Lexington, (of which two weeks previous notice shall be given in two of

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the newspapers published in said city) at which time they may open books and receive subscriptions to the stock of said institution, and shall keep them open, two hours daily, for at least three successive days.

§ 2. The capital stock of said institution shall be not less than fifty thousand dollars nor more than three hundred thousand dollars, divided into shares of one hundred dollars each; which shares shall be personal estate, and shall be transferable only on the books of the company in such manner, and subject to such regulations, as the board of directors may prescribe.

§ 3. At the expiration of said three days, or as soon thereafter as the sum of fifty thousand dollars shall have been subscribed to the stock of said institution, the books of subscription may be closed and delivered to the subscribers, who shall thereupon constitute a body politic and corporate, by the name of the Deposit Bank of Lexington; and they and their successors shall so continue for the term of thirty years; and, under the restrictions hereinafter prescribed, may contract and be contracted with, sue and be sued, plead and be impleaded, and exercise the other powers usually incident to corporations.

§ 4. Upon the receipt of the books of subscription, the subscribers, or a majority (in value) of them, shall meet and elect four persons, (who shall be stockholders) to serve as directors of said institution until the first Monday in January following and until their successors shall be elected. The annual meetings of the stockholders of said bank shall thereafter be held on the first Monday in January of each year; but meetings may be called at any time by any number of persons holding one-third (in value) of the stock upon giving similar notice to that prescribed in the first section hereof; and in all meetings of stockholders, each person shall be entitled to one vote for each share of stock held by him. The directors shall hold their offices for one year and until their successors are elected, but may be removed by any regular or called meeting of the stockholders. They may choose one of their number, or of the other stockholders, as their president; may appoint a secretary, and such other officers as they may require, fix their compensation, prescribe their duties and take bond and security for the faithful discharge thereof; may prescribe the manner and terms of paying in the stock, and shall have the general control of all the affairs of the bank.

§ 5. The directors shall annually appoint two or more stockholders to attend and hold the annual election.

§ 6. At each annual meeting of the stockholders, a committee shall be appointed, who shall, at least twice in the year, examine into and report upon the condition of the institution; which report shall be filed in its office, and remain subject to the inspection of all the stockholders.

Capital stock.

Corporate name and powers.

Election of directors.

Annual meetings.

Powers of directors.

1854.

Business of the
corporation.

§ 7. The business of said bank shall be to receive money and bank notes on deposit, (and it may allow the depositor such interest thereon as may be agreed upon ;) to deal in gold and silver coin, bullion, bills of exchange, and promissory notes, (but it shall not buy or discount promissory notes at a rate of discount exceeding that allowed to the Northern Bank of Kentucky ;) to buy and sell the stock of other companies, and the bonds of this state or of the United States ; but it shall not issue notes or bills, or certificates of deposit or any other instrument intended for circulation as money. All promissory notes purchased or discounted by said bank, payable at the same or at any other banking institution in this state, shall be put on the footing of foreign bills of exchange. The directors shall annually or semi-annually declare dividends of the profits arising from the business of the bank.

Who may be
depositors.

§ 8. The said bank shall receive on deposit any sum offered during banking hours, if not less than one dollar ; and infants and *femes covert* may deposit therein and may control the deposit so made, unless restrained by some competent tribunal. Should any person make a deposit in said bank, and be refused payment thereof on demand made for the same according to the terms of deposit, and without lawful excuse, said bank shall forfeit and pay to the depositor the full value or amount of his deposit, with damages at the rate of fifteen per cent. per annum for the detention, to be recovered by suit in the Fayette circuit court.

May hold ne-
cessary real es-
tate.

§ 9. The said bank may purchase, hold, sell, and convey any real or personal estate that may be necessary to carry into effect the objects of its creation and no other ; and it may receive conveyance of such property as may be proper or necessary to secure any debt due it, or which may be sold for the payment of any such debt.

How charter
may be forfeited.

§ 10. This charter, and all privileges and rights therein granted, shall be forfeited by any violation of the provisions thereof by any of the officers of the institution, and the failure upon the part of the officers or refusal by them to pay any tax imposed upon the capital stock of the institution by the general laws of this state shall also work the forfeiture of this charter. The circuit courts of Fayette and Franklin county shall each have jurisdiction to try and declare the forfeiture thereof, upon the petition of the attorney for the commonwealth at any time, or upon the petition of, or by *scire facias* sued out by, the attorney general when directed to do so by the governor for the time being or by the general assembly, fully setting forth and stating the acts of forfeiture complained of.

§ 11. The general assembly reserves the right to examine into the condition of affairs of the institution by any person or persons, or committee selected or appointed for that purpose, at any time, and in such manner as the gen-

General assembly shall think proper; and the officers of the institution are required to report to the secretary of state on the first day of January and July of each year a full and correct statement of the business, condition, and affairs of the institution.

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Annual report
to be made.

Approved March 1, 1854.

CHAPTER 383.

AN ACT to incorporate Grady Lodge, No. 251, of Ancient York Masons.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the members of Grady Lodge, No. 251, of Ancient York Free and Accepted Masons, be and the same is hereby created a body politic and corporate, by the name of "Grady Lodge, No. 251, of Ancient York Free and Accepted Masons," with perpetual succession; and by that name shall be capable of suing and being sued, of contracting and being contracted with, of pleading and being impleaded, of purchasing, holding, and selling all such real and personal estate as may be acquired for the use of said lodge; to receive and to make, a majority of the members thereof concurring, all necessary conveyances. When a majority of said lodge shall concur in the sale of any such real property, and such concurrence shall be entered on the records of said lodge, the master and wardens thereof for the time being shall have power to convey and shall convey the same on the part and in the name of the lodge.

Corporate name
and powers.

§ 2. That the master and wardens of said lodge, elected according to the ancient form and usages of said order from time to time, shall act as trustees of said lodge, and shall have power to manage and shall manage the affairs of said lodge. Service of process on either of them shall be good service on said lodge.

Who to be
trustees.

§ 3. The legislature reserves the right to alter, amend, modify, or repeal this charter at pleasure.

Approved March 1, 1854.

CHAPTER 384.

AN ACT to amend the acts relating to the town of Georgetown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That section fourth of an act to amend and reduce into one the several acts in relation to the town of Georgetown, approved March 1st, 1847, be so amended as to read as follows to-wit: That said chairman and trustees shall be elected on the first Saturday in January in each year, by the free white male inhabitants of said town over the age of twenty-one years, who shall have been

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bona fide residents of said town for six months next preceding the election, and who shall have paid their poll tax to said town chargeable to them for the year next preceding the election at which they claim to vote; also by the free white male inhabitants of Scott county over twenty-one years of age who shall be the owners of real property lying within the limits of said town. Said chairman and trustees shall hold their offices for one year and until their successors shall have been elected and qualified, and shall take an oath before some justice of the peace that they will faithfully and without partiality discharge the duties that may devolve upon them as chairman and trustees respectively during their continuance in office.

Approved March 1, 1854.

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